
Class No. 340

[illegible]

COMMONWEALTH ACTS.
VOL. XLII.

1823.

THE ACTS
OF
THE PARLIAMENT
OF THE
COMMONWEALTH OF AUSTRALIA
PASSED DURING THE YEAR 1945,
IN
THE THIRD SESSION OF THE SEVENTEENTH PARLIAMENT
OF THE COMMONWEALTH,
WITH
TABLES AND INDEX.

Printed and Published for the GOVERNMENT of the COMMONWEALTH OF AUSTRALIA by
L. F. JOHNSTON, Commonwealth Government Printer, Canberra

1945.

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(OMITTING APPROPRIATION AND SUPPLY ACTS.)

NOTES.—Short titles of Acts not now in force are printed in italics.

All Acts in force at the end of 1935 were reprinted with amendments and are included in "Commonwealth Acts, 1901-1935". Where any Acts have since been reprinted, a note to that effect is shown in this Table. An asterisk (*) signifies that the reprint is not included in the Annual volumes of Acts, but may be obtained from the Government Printer, Canberra.

	Act.	Year of volume and page.	
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Acts Interpretation Act 1901	No. 2, 1901	1901-2	30
<i>Acts Interpretation Act 1904</i>	No. 1, 1904	1904	1
Acts Interpretation Act 1916	No. 4, 1916	1916	4
Acts Interpretation Act 1918	No. 8, 1918	1918	13
Acts Interpretation Act 1930	No. 23, 1930	1930	59
Acts Interpretation Act 1932	No. 24, 1932	1932	66
Acts Interpretation Act 1937	No. 10, 1937	1937	14
Acts Interpretation Act 1941	No. 7, 1941	1941	33
<i>See also the Statute Law Revision Act 1934.</i>			
(NOTE.—The <i>Acts Interpretation Act 1901</i> , as amended to the end of 1937, is reprinted in Volume XXV., p. 97.)			
Advances to Settlers Act 1923	No. 19, 1923	1923	50
Agreements. <i>See</i> Agreements Validation; Aluminium Industry; Australian Institute of Anatomy Agreement; Butter Agreement; Cockatoo Island Dockyard Agreement; Commonwealth and State Housing Agreement; Customs Tariff (New Zealand Preference) Agreement; Debt Conversion Agreement; Empire Air Service (England to Australia); Financial Agreement; Invalid and Old-age Pensions (Reciprocity with New Zealand); Migrant Settlement Agreement; Morgan-Whyalla Waterworks Agreement; Motor Vehicles Agreement; National Oil Proprietary Limited Agreement; Nauru Island Agreement; Naval Agreement; Oil Agreement; Queensland Meat Inspection Agreement; Railways (South Australia) Agreement; River Murray Waters; Seat of Government Acceptance; Silver Agreement; South Australian Farmers' Agreement; Soldier Settlement Loans (Financial Agreement); Sugar Agreement; Tasmania Sinking Fund Agreement; Trade Agreement; United Kingdom and Australia Trade Agreement; United Nations Relief and Rehabilitation Administration; War Service Homes Agreement; War Service Homes (South Australia) Agreement; War Service Land Settlement Agreements; Western Australia Agreement (Wiluna Gold Mines); Westralian Farmers Agreement; Zoological Museum Agreement.			
<i>Agreements Validation Act 1923</i>	No. 31, 1923	1923	73
Air Force Act 1923	No. 33, 1923	1923	76
Air Force Act 1939	No. 74, 1939	1939	221
Air Force Act 1941	No. 12, 1941	1941	50
(NOTE.—The <i>Air Force Act 1923</i> , as amended to the end of 1941, is reprinted.)*			
Air Navigation Act 1920	No. 50, 1920	1920	159
Air Navigation Act 1936	No. 93, 1936	1936	420
<i>Aliens Registration Act 1920</i>	No. 49, 1920	1920	153
Aliens Registration Act 1939	No. 12, 1939	1939	53

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<i>Aluminium Industry Act 1944</i>	No. 44, 1944	1944 157
<i>Amendments Incorporation Act 1905</i>	No. 13, 1905	1905 33
<i>Amendments Incorporation Act 1918</i>	No. 32, 1918	1918 132
<i>Antarctic Territory. See Australian Antarctic Territory.</i>		
<i>Apple and Pear (Appropriation) Act 1940</i>	No. 73, 1940	1940 164
<i>Apple and Pear (Appropriation) Act 1941</i>	No. 66, 1941	1941 153
<i>Apple and Pear Bounty Act 1936</i>	No. 4, 1936	1936 4
<i>Apple and Pear Bounty Act (No. 2) 1936</i>	No. 46, 1936	1936 231
<i>Apple and Pear Bounty Act 1937</i>	No. 36, 1937	1937 77
<i>Apple and Pear Export Charges Act 1938</i>	No. 59, 1938	1938 237
<i>Apple and Pear Organization Act 1938</i>	No. 58, 1938	1938 227
<i>Apple and Pear Publicity and Research Act 1938</i>	No. 61, 1938	1938 238
<i>Apple and Pear Tax Act 1938</i>	No. 63, 1938	1938 252
<i>Apple and Pear Tax Assessment Act 1938</i>	No. 62, 1938	1938 240
<i>Apple Bounty Act 1918</i>	No. 21, 1918	1918 52
<i>Arbitration. See Commonwealth Conciliation and Arbitration.</i>		
<i>Arbitration (Public Service) Act 1911</i>	No. 11, 1911	1911 22
<i>Arbitration (Public Service) Act 1920</i>	No. 28, 1920	1920 83
<i>Arbitration (Public Service) Act 1923</i>	No. 1, 1923	1923 1
<i>Arbitration (Public Service) Act 1929</i>	No. 25, 1929	1929 66
<i>See also the Statute Law Revision Act 1934.</i>		
<i>Ashmore and Cartier Islands Acceptance Act 1933</i>	No. 60, 1933	1933 335
<i>Ashmore and Cartier Islands Acceptance Act 1938</i>	No. 11, 1938	1938 45
<i>Associations, Unlawful. See Unlawful Associations.</i>		
<i>Audit Act 1901</i>	No. 4, 1901	1901-2 39
<i>Audit Act 1906</i>	No. 8, 1906	1906 15
<i>Audit Act 1909</i>	No. 4, 1909	1909 6
<i>Audit Act 1912</i>	No. 6, 1912	1912 13
<i>Audit Act 1917</i>	No. 32, 1917	1917 69
<i>Audit Act 1920</i>	No. 23, 1920	1920 71
<i>Audit Act 1924</i>	No. 34, 1924	1924 76
<i>Audit Act 1926</i>	No. 18, 1926	1926 61
<i>See also the Statute Law Revision Act 1934.</i>		
<i>(NOTE.—The Audit Act 1901, as amended to the end of 1934, is reprinted.)*</i>		
<i>Australian Antarctic Territory Acceptance Act 1933</i>	No. 8, 1933	1933 12
<i>Australian Broadcasting Act 1942</i>	No. 33, 1942	1942 78
<i>Australian Broadcasting Commission Act 1932</i>	No. 14, 1932	1932 43
<i>Australian Broadcasting Commission Act 1940</i>	No. 59, 1940	1940 109
<i>Australian Imperial Force Canteens Funds Act 1920</i>	No. 3, 1920	1920 10
<i>Australian Industries Preservation Act 1906</i>	No. 9, 1906	1906 19
<i>Australian Industries Preservation Act 1907</i>	No. 5, 1908	1907-8 41
<i>Australian Industries Preservation Act 1909</i>	No. 26, 1909	1909 92
<i>Australian Industries Preservation Act 1910</i>	No. 29, 1910	1910 76
<i>Australian Industries Preservation Act 1930</i>	No. 7, 1930	1930 12
<i>See also the Judiciary Act 1937</i>		
<i>(NOTE.—The Australian Industries Preservation Act 1906, as amended to the end of 1937, is reprinted.)*</i>		
<i>Australian Institute of Anatomy Agreement Act 1931</i>	No. 44, 1931	1931 114
<i>Australian Institute of Anatomy Agreement Act 1933</i>	No. 12, 1933	1933 16
<i>Australian National Airlines Act 1945</i>	No. 31, 1945	1945 261
<i>Australian Notes Act 1910</i>	No. 11, 1910	1910 14
<i>Australian Notes Act 1911</i>	No. 21, 1911	1911 94
<i>Australian Notes Act 1914</i>	No. 23, 1914	1914-15 65
<i>Australian Soldiers' Repatriation Act 1917</i>	No. 37, 1917	1917 114
<i>Australian Soldiers' Repatriation Act 1918</i>	No. 15, 1918	1918 20
<i>Australian Soldiers' Repatriation Act 1920</i>	No. 6, 1920	1920 14
<i>Australian Soldiers' Repatriation Act 1921</i>	No. 34, 1921	1921 174
<i>Australian Soldiers' Repatriation Act 1922</i>	No. 23, 1922	1922 113
<i>Australian Soldiers' Repatriation Act 1929</i>	No. 14, 1929	1929 49

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Australian Soldiers' Repatriation Act 1935	No. 58, 1935	1935	140
Australian Soldiers' Repatriation Act 1936	No. 67, 1936	1936	309
Australian Soldiers' Repatriation Act 1937	No. 12, 1937	1937	21
Australian Soldiers' Repatriation Act (No. 2) 1937	No. 24, 1937	1937	58
Australian Soldiers' Repatriation Act (No. 3) 1937	No. 42, 1937	1937	86
Australian Soldiers' Repatriation Act 1938	No. 55, 1938	1938	21
Australian Soldiers' Repatriation Act 1940	No. 37, 1940	1940	61
Australian Soldiers' Repatriation Act (No. 2) 1940	No. 96, 1940	1940	215
Australian Soldiers' Repatriation Act 1941	No. 49, 1941	1941	102
Australian Soldiers' Repatriation Act 1943	No. 22, 1943	1943	60
<i>See also the Financial Emergency Act 1931; the Financial Emergency Act (No. 2) 1931; the Financial Relief Act 1933; the Financial Relief Act 1934; the Financial Relief Act (No. 2) 1936; and the Repatriation Fund (Baillieu Gift) Act 1937.</i>			
<i>(NOTE.—The Australian Soldiers' Repatriation Act 1920, as amended to the end of 1943, is reprinted.*)</i>			
Australian Soldiers' Repatriation Fund Act 1916 ..	No. 7, 1916	1916	9
Australian War Memorial Act 1925	No. 18, 1925	1925	30
<i>Bank. See Commonwealth Bank.</i>			
Banking Act 1945	No. 14, 1945	1945	118
Bank Notes Tax Act 1910	No. 14, 1910	1910	23
Bankruptcy Act 1924	No. 37, 1924	1924	81
Bankruptcy Act 1927	No. 3, 1927	1927	4
Bankruptcy Act 1928	No. 39, 1928	1928	114
Bankruptcy Act 1929	No. 28, 1929	1929	69
Bankruptcy Act 1930	No. 17, 1930	1930	39
Bankruptcy Act 1932	No. 31, 1932	1932	76
Bankruptcy Act 1933	No. 66, 1933	1933	348
Bankruptcy Act 1945	No. 42, 1945	1945	344
<i>See also the Financial Emergency Act 1931; and the Financial Relief Act 1933.</i>			
<i>(NOTE.—The Bankruptcy Act 1924, as amended to the end of 1933, is reprinted.*)</i>			
Beaches, Fishing Grounds and Sea Routes Protection Act 1932	No. 73, 1932	1932	211
Beer Excise Act 1901	No. 7, 1901	1901-2	103
Beer Excise Act 1912	No. 23, 1912	1912	77
Beer Excise Act 1918	No. 31, 1918	1918	129
Beer Excise Act 1923	No. 7, 1923	1923	17
Beer Excise Act 1928	No. 38, 1928	1928	113
<i>(NOTE.—The Beer Excise Act 1901, as amended to the end of 1928, is reprinted.*)</i>			
Belgian Grant Act 1914	No. 8, 1914	1914-15	8
Berry Fruit-growers' Relief Act 1941	No. 23, 1941	1941	59
Bills of Exchange Act 1909	No. 27, 1909	1909	95
Bills of Exchange Act 1912	No. 24, 1912	1912	78
Bills of Exchange Act 1932	No. 61, 1932	1932	183
Bills of Exchange Act 1936	No. 74, 1936	1936	332
<i>(NOTE.—The Bills of Exchange Act 1909, as amended to the end of 1936, is reprinted.*)</i>			
Black Marketing Act 1942	No. 49, 1942	1942	129
Bounties Act 1907	No. 12, 1907	1907-8	10
Bounties Act 1912	No. 34, 1912	1912	115
<i>Bounties Procedure. See Excise Procedure.</i>			
<i>See also Apple and Pear Bounty Acts 1936; Apple Bounty Act 1918; Cable and Wire Bounty Act 1941; Canned Fruit Bounty Act 1924; Canvas and Duck Bounty Act 1939; Cattle Export Bounty Act</i>			

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	Act.	Year of volume and page.	
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<i>Butter Agreement Act</i> 1920	No. 20, 1920	1920	59
Cable and Wire Bounty Act 1941	No. 29, 1941	1941	68
<i>Canned Fruit Bounty Act</i> 1924	No. 2, 1924	1924	2
Canned Fruits Export Charges Act 1926	No. 41, 1926	1926	142
Canned Fruits Export Charges Act 1929	No. 16, 1929	1929	58
Canned Fruits Export Charges Act 1935	No. 56, 1935	1935	138
Canned Fruits Export Charges Act 1938	No. 20, 1938	1938	78
Canned Fruits Export Control Act 1926	No. 40, 1926	1926	136
Canned Fruits Export Control Act 1930	No. 47, 1930	1930	154
Canned Fruits Export Control Act 1933	No. 9, 1933	1933	13
Canned Fruits Export Control Act 1935	No. 4, 1935	1935	5
Canned Fruits Export Control Act 1938	No. 28, 1938	1938	150
<i>See also the Statute Law Revision Act 1934.</i>			
Canteens Fund. See Australian Imperial Force Canteens Funds.			
Canvas and Duck Bounty Act 1939	No. 73, 1939	1939	213
Carriage by Air Act 1935	No. 18, 1935	1935	21
<i>Cattle Export Bounty Act</i> 1924	No. 14, 1924	1924	31
Census and Statistics Act 1905	No. 15, 1905	1905	36
Census and Statistics Act 1920	No. 33, 1920	1920	101
Census and Statistics Act 1930	No. 18, 1930	1930	41
Census and Statistics Act 1938	No. 17, 1938	1938	75
Census, War. See War Census.			
Charter of the United Nations Act 1945	No. 32, 1945	1945	280
<i>Chief Justice's Pension Act</i> 1918	No. 38, 1918	1918	147
Child Endowment Act 1941	No. 8, 1941	1941	35
Child Endowment Act 1942	No. 5, 1942	1942	7
Child Endowment Act 1945	No. 10, 1945	1945	27
Citrus Fruits Bounty Act 1937	No. 38, 1937	1937	81
Citrus Fruits Bounty Act 1938	No. 22, 1938	1938	80
<i>Claims against the Commonwealth Act</i> 1902	No. 21, 1902	1901-2	385
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Coinage Act 1909	No. 6, 1909	1909 9
Coinage Act 1936	No. 86, 1936	1936 407
Colonial Light Dues Collection Act 1932	No. 65, 1932	1932 199
Colonial Light Dues Collection Act 1934	No. 15, 1934	1934 41
Colonial Light Dues Collection Act 1936	No. 90, 1936	1936 417
Colonial Light Dues (Rates) Act 1932	No. 66, 1932	1932 202
Colonial Light Dues (Rates) Act 1936	No. 91, 1936	1936 417
Commerce (Trade Descriptions) Act 1905	No. 16, 1905	1905 41
Commerce (Trade Descriptions) Act 1926	No. 37, 1926	1926 132
Commerce (Trade Descriptions) Act 1930	No. 15, 1930	1930 35
Commerce (Trade Descriptions) Act 1933	No. 13, 1933	1933 16
Commercial Activities Act 1919	No. 3, 1919	1919 18
Commercial Broadcasting Stations Licence Fees Act 1942	No. 34, 1942	1942 103
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Committee of Public Accounts Act 1917	No. 27, 1917	1917 40
Committee of Public Accounts Act 1920	No. 14, 1920	1920 46
<i>See also the Statute Law Revision Act 1934.</i>		
Committee of Public Accounts Act 1932	No. 58, 1932	1932 182
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Commonwealth and State Housing Agreement Act 1945 ..	No. 44, 1945	1945 359
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Commonwealth Bank Act 1920	No. 43, 1920	1920 121
Commonwealth Bank Act 1924	No. 15, 1924	1924 33
Commonwealth Bank (Rural Credits) Act 1925	No. 16, 1925	1925 26
Commonwealth Bank (Savings Bank) Act 1927	No. 36, 1927	1927 110
Commonwealth Bank Act 1929	No. 31, 1929	1929 75
Commonwealth Bank Act 1931	No. 6, 1931	1931 9
Commonwealth Bank Act 1932	No. 16, 1932	1932 56
Commonwealth Bank Act 1943	No. 13, 1943	1943 32
Commonwealth Bank Act 1945	No. 13, 1945	1945 84
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Commonwealth Conciliation and Arbitration Act 1909 ..	No. 28, 1909	1909 126
Commonwealth Conciliation and Arbitration Act 1910 ..	No. 7, 1910	1910 5
Commonwealth Conciliation and Arbitration Act 1911 ..	No. 6, 1911	1911 11
Commonwealth Conciliation and Arbitration Act 1914 ..	No. 5, 1914	1914-15 5
Commonwealth Conciliation and Arbitration Act (No. 2) 1914	No. 18, 1914	1914-15 47
Commonwealth Conciliation and Arbitration Act 1915 ..	No. 35, 1915	1914-15 160
Commonwealth Conciliation and Arbitration Act 1918 ..	No. 39, 1918	1918 148
Commonwealth Conciliation and Arbitration Act 1920 ..	No. 31, 1920	1920 96
Commonwealth Conciliation and Arbitration Act 1921 ..	No. 29, 1921	1921 162
Commonwealth Conciliation and Arbitration Act 1926 ..	No. 22, 1926	1926 70
Commonwealth Conciliation and Arbitration Act 1927 ..	No. 8, 1927	1927 18
Commonwealth Conciliation and Arbitration Act 1928 ..	No. 13, 1928	1928 58
Commonwealth Conciliation and Arbitration Act 1930 ..	No. 43, 1930	1930 134
Commonwealth Conciliation and Arbitration Act 1934 ..	No. 54, 1934	1934 269
<i>See the Financial Emergency Act 1931; the Financial Relief Act 1933; and the Statute Law Revision Act 1934.</i>		
<i>See also Arbitration (Public Service); Industrial Peace.</i>		
(NOTE.— <i>The Commonwealth Conciliation and Arbitration Act 1904, as amended to the end of 1934, is reprinted.*</i>)		
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<i>Commonwealth Electoral Act 1911</i>	No. 17, 1911	1911	48
<i>Commonwealth Electoral Act 1918</i>	No. 27, 1918	1918	62
<i>Commonwealth Electoral Act 1919</i>	No. 31, 1919	1919	94
<i>Commonwealth Electoral Act 1921</i>	No. 14, 1921	1921	54
<i>Commonwealth Electoral Act 1922</i>	No. 14, 1922	1922	46
<i>Commonwealth Electoral Act 1924</i>	No. 10, 1924	1924	26
<i>Commonwealth Electoral Act 1925</i>	No. 20, 1925	1925	40
<i>Commonwealth Electoral Act 1928</i>	No. 17, 1928	1928	40
<i>Commonwealth Electoral Act 1929</i>	No. 2, 1929	1929	2
<i>Commonwealth Electoral Act 1934</i>	No. 9, 1934	1934	24
<i>Commonwealth Electoral Act 1940</i>	No. 19, 1940	1940	24
(NOTE.— <i>The Commonwealth Electoral Act 1918, as amended to the end of 1940, is reprinted.*</i>)			
<i>Commonwealth Electoral (War-time) Act 1917</i>	No. 8, 1917	1917	7
<i>Commonwealth Electoral (War-time) Act 1919</i>	No. 29, 1919	1919	38
<i>Commonwealth Electoral (War-time) Act 1940</i>	No. 48, 1940	1940	86
<i>Commonwealth Electoral (War-time) Act 1943</i>	No. 27, 1943	1943	89
<i>Commonwealth Electoral (War-time) Act 1944</i>	No. 14, 1944	1944	93
<i>Commonwealth Electoral (War-time) Act 1945</i>	No. 12, 1945	1945	83
<i>Commonwealth Electoral (War-time) Repeal Act 1920</i>	No. 44, 1920	1920	128
<i>Commonwealth Employees' Compensation Act 1930</i>	No. 24, 1930	1930	60
<i>Commonwealth Employees' Compensation Act 1944</i>	No. 8, 1944	1944	63
(NOTE.— <i>The Commonwealth Employees' Compensation Act 1930, as amended to the end of 1944, is reprinted.*</i>)			
<i>Commonwealth Employees' Furlough Act 1943</i>	No. 19, 1943	1943	52
<i>Commonwealth Employees' Furlough Act 1944</i>	No. 33, 1944	1944	131
<i>Commonwealth Franchise Act 1902</i>	No. 8, 1902	1901-2	289
<i>Commonwealth Grants Commission Act 1933</i>	No. 3, 1933	1933	3
<i>See also the Port Augusta to Port Pirie Railway Act 1935.</i>			
<i>Commonwealth Housing Act 1927</i>	No. 35, 1927	1927	106
<i>Commonwealth Housing Act 1928</i>	No. 10, 1928	1928	35
<i>Commonwealth Inscribed Stock Act 1911</i>	No. 20, 1911	1911	87
<i>Commonwealth Inscribed Stock Act 1912</i>	No. 40, 1912	1912	129
<i>Commonwealth Inscribed Stock Act 1913</i>	No. 16, 1913	1913	129
<i>Commonwealth Inscribed Stock Act 1915</i>	No. 26, 1915	1914-15	127
<i>Commonwealth Inscribed Stock Act 1918</i>	No. 7, 1918	1918	11
<i>Commonwealth Inscribed Stock Act 1927</i>	No. 2, 1927	1927	2
<i>Commonwealth Inscribed Stock Act 1932</i>	No. 25, 1932	1932	67
<i>Commonwealth Inscribed Stock Act 1933</i>	No. 5, 1933	1933	9
<i>Commonwealth Inscribed Stock Act 1940</i>	No. 25, 1940	1940	43
<i>Commonwealth Inscribed Stock Act 1943</i>	No. 58, 1943	1943	130
<i>Commonwealth Inscribed Stock Act 1945</i>	No. 26, 1945	1945	178
(NOTE.— <i>The Commonwealth Inscribed Stock Act 1911, as amended to the end of 1933, is reprinted.*</i>)			
<i>Commonwealth Observatory Fund Act 1944</i>	No. 41, 1944	1944	147
<i>See also Solar Observatory Fund.</i>			
<i>Commonwealth Public Service Act 1902</i>	No. 5, 1902	1901-2	261
<i>Commonwealth Public Service Amendment Act 1903</i>	No. 19, 1903	1903	107
<i>Commonwealth Public Service Act 1909</i>	No. 25, 1909	1909	91
<i>Commonwealth Public Service Act 1911</i>	No. 26, 1911	1911	100
<i>Commonwealth Public Service Act 1913</i>	No. 17, 1913	1913	130
<i>Commonwealth Public Service Act 1915</i>	No. 37, 1915	1914-15	164
<i>Commonwealth Public Service Act 1916</i>	No. 8, 1916	1916	12
<i>Commonwealth Public Service Act 1917</i>	No. 18, 1917	1917	29
<i>Commonwealth Public Service Act 1918</i>	No. 47, 1918	1918	182
<i>Commonwealth Public Service Act 1922</i>	No. 21, 1922	1922	65
<i>Commonwealth Public Service Act 1924</i>	No. 46, 1924	1924	209
<i>Commonwealth Public Service Act 1928</i>	No. 41, 1928	1928	121
<i>Commonwealth Public Service Act 1930</i>	No. 19, 1930	1930	42

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Commonwealth Public Service Act 1931	No. 21, 1931	1931 67
Commonwealth Public Service Act 1932	No. 72, 1932	1932 209
Commonwealth Public Service Act 1933	No. 38, 1933	1933 280
Commonwealth Public Service Act 1934	No. 46, 1934	1934 132
Commonwealth Public Service Act 1936	No. 72, 1936	1936 329
Commonwealth Public Service Act 1937	No. 41, 1937	1937 85
Commonwealth Public Service Act 1939	No. 72, 1939	1939 212
Commonwealth Public Service Act 1940	No. 88, 1940	1940 192
Commonwealth Public Service Act 1941	No. 5, 1941	1941 31
Commonwealth Public Service Act 1945	No. 29, 1945	1945 254
Commonwealth Public Service Act (No. 2) 1945 ..	No. 43, 1945	1945 346
<i>See the Statute Law Revision Act 1934 and the Commonwealth Employees' Furlough Act 1943-1944.</i>		
<i>See also Arbitration (Public Service); Superannuation.</i>		
(NOTE.— <i>The Commonwealth Public Service Act 1922, as amended to the end of 1937, is reprinted.*</i>)		
Commonwealth Public Service (Acting Commissioner) Act 1916	No. 9, 1916	1916 12
Commonwealth Public Works Committee Act 1913 ..	No. 20, 1913	1913 133
Commonwealth Public Works Committee Act 1914 ..	No. 32, 1914	1914-15 77
Commonwealth Public Works Committee Act 1917 ..	No. 26, 1917	1917 39
Commonwealth Public Works Committee Act 1921 ..	No. 19, 1921	1921 63
Commonwealth Public Works Committee Act 1932 ..	No. 52, 1932	1932 161
Commonwealth Public Works Committee Act 1936 ..	No. 92, 1936	1936 418
Commonwealth Railways Act 1917	No. 31, 1917	1917 47
Commonwealth Railways Act 1925	No. 11, 1925	1925 15
Commonwealth Railways Act 1936	No. 87, 1936	1936 409
(NOTE.— <i>The Commonwealth Railways Act 1917, as amended to the end of 1936, is reprinted.*</i>)		
Commonwealth Salaries Act 1907	No. 7, 1907	1907-8 8
Commonwealth Shipping Act 1923	No. 3, 1923	1923 3
Commonwealth Workmen's Compensation Act 1912 ..	No. 29, 1912	1912 84
Compulsory Voting Act 1915	No. 36, 1915	1914-15 161
Conciliation and Arbitration. <i>See</i> Commonwealth Conciliation and Arbitration.		
Constitution Alteration (Senate Elections) 1906 ..	No. 1, 1907	1907-8 1
Constitution Alteration (State Debts) 1909 ..	No. 3, 1910	1910 3
Constitution Alteration (State Debts) 1928	No. 1, 1929	1929 1
Contract Immigrants Act 1905	No. 19, 1905	1905 49
Contracts, Enemy. Annulment of. <i>See</i> Enemy Contracts Annulment.		
Control of Naval Waters Act 1918	No. 28, 1918	1918 123
Copyright Act 1905	No. 25, 1905	1905 82
Copyright Act 1912	No. 20, 1912	1912 52
Copyright Act 1933	No. 68, 1933	1933 352
Copyright Act 1935	No. 17, 1935	1935 20
Cotton Bounty Act 1926	No. 51, 1926	1926 156
Cotton Industries Bounty Act 1930	No. 13, 1930	1930 25
Cotton Industries Bounty Act 1932	No. 17, 1932	1932 58
<i>See also the Financial Emergency Act 1931.</i>		
Crimes Act 1914	No. 12, 1914	1914-15 16
Crimes Act 1915	No. 6, 1915	1914-15 99
Crimes Act 1926	No. 9, 1926	1926 18
Crimes Act 1928	No. 13, 1928	1928 40
Crimes Act 1932	No. 30, 1932	1932 73
Crimes Act 1941	No. 6, 1941	1941 33
<i>See also the Judiciary Act 1937.</i>		
(NOTE.— <i>The Crimes Act 1914, as amended to the end of 1932, is reprinted.*</i>)		
Customs Act 1901	No. 6, 1901	1901-2 63
Customs Act 1910	No. 36, 1910	1910 93
Customs Act 1914	No. 19, 1914	1914-15 51

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Customs Act 1916	No. 10, 1916	1916 13
Customs Act 1920	No. 41, 1920	1920 116
Customs Act 1922	No. 19, 1922	1922 61
Customs Act 1923	No. 12, 1923	1923 23
Customs Act 1925	No. 22, 1925	1925 43
Customs Act 1930	No. 6, 1930	1930 11
Customs Act 1934	No. 7, 1934	1934 17
Customs Act 1935	No. 7, 1935	1935 7
Customs Act 1936	No. 85, 1936	1936 406
See also the Statute Law Revision Act 1934.		
(NOTE.—The Customs Act 1901, as amended to the end of 1925, is reprinted.*)		
Customs (Inter-State Accounts) Act 1910	No. 9, 1910	1910 11
Customs Tariff 1902	No. 14, 1902	1901-2 299
Customs Tariff 1906	No. 14, 1906	1906 56
Customs Tariff 1908	No. 7, 1908	1907-8 45
Customs Tariff Amendment 1908	No. 13, 1908	1907-8 123
Customs Tariff 1910	No. 39, 1910	1910 104
Customs Tariff 1911	No. 19, 1911	1911 72
Customs Tariff 1921	No. 25, 1921	1921 76
Customs Tariff 1922	No. 16, 1922	1922 57
Customs Tariff 1923	No. 22, 1923	1923 58
Customs Tariff 1924	No. 1, 1924	1924 1
Customs Tariff 1926	No. 26, 1926	1926 78
Customs Tariff (No. 2) 1926	No. 45, 1926	1926 145
Customs Tariff 1928	No. 2, 1928	1928 2
Customs Tariff (No. 2) 1928	No. 35, 1928	1928 109
Customs Tariff (No. 3) 1928	No. 36, 1928	1928 110
Customs Tariff 1930	No. 3, 1930	1930 7
Customs Tariff 1933	No. 27, 1933	1933 118
Customs Tariff (No. 2) 1933	No. 31, 1933	1933 237
Customs Tariff 1936	No. 14, 1936	1936 22
Customs Tariff (No. 2) 1936	No. 68, 1936	1936 313
Customs Tariff (No. 3) 1936	No. 76, 1936	1936 334
Customs Tariff (No. 4) 1936	No. 80, 1936	1936 392
Customs Tariff 1938	No. 3, 1938	1938 4
Customs Tariff (No. 2) 1938	No. 67, 1938	1938 260
Customs Tariff (No. 3) 1938	No. 68, 1938	1938 263
Customs Tariff (No. 4) 1938	No. 69, 1938	1938 266
Customs Tariff 1939	No. 2, 1939	1939 3
Customs Tariff (No. 2) 1939	No. 28, 1939	1939 79
Customs Tariff (No. 3) 1939	No. 53, 1939	1939 157
Customs Tariff (No. 4) 1939	No. 56, 1939	1939 165
Customs Tariff (No. 5) 1939	No. 59, 1939	1939 181
Customs Tariff (No. 6) 1939	No. 62, 1939	1939 187
Customs Tariff (No. 7) 1939	No. 64, 1939	1939 190
Customs Tariff (Canadian Preference) 1931	No. 13, 1931	1931 33
Customs Tariff (Canadian Preference) 1934	No. 5, 1934	1934 6
Customs Tariff (Canadian Preference) 1936	No. 16, 1936	1936 118
Customs Tariff (Canadian Preference) (No. 2) 1936	No. 70, 1936	1936 326
Customs Tariff (Canadian Preference) 1938	No. 5, 1938	1938 39
Customs Tariff (Canadian Preference) 1939	No. 58, 1939	1939 179
Customs Tariff (Canadian Preference) (No. 2) 1939	No. 61, 1939	1939 186
Customs Tariff (Canadian Preference) Validation Act 1935	No. 21, 1935	1935 32
Customs Tariff (Canadian Preference) Validation Act 1936	No. 53, 1936	1936 266
Customs Tariff (Canadian Preference) Validation Act 1937	No. 33, 1937	1937 73
Customs Tariff (Canadian Preference) Validation Act 1939	No. 78, 1939	1939 235
Customs Tariff (Canadian Preference) Validation Act 1940	No. 55, 1940	1940 107
Customs Tariff (Canadian Preference) Validation Act 1941	No. 20, 1941	1941 57
Customs Tariff (Canadian Preference) Validation Act (No. 2) 1941	No. 45, 1941	1941 97

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	Act.	Year of volume and page.	
Customs Tariff (Canadian Preference) Validation Act 1942	No. 40, 1942	1942	108
Customs Tariff (Canadian Preference) Validation Act 1943..	No. 8, 1943	1943	9
Customs Tariff (Canadian Preference) Validation Act (No. 2) 1943 ..	No. 32, 1943	1943	96
Customs Tariff (Exchange Adjustment) Act 1933 ..	No. 29, 1933	1932	230
Customs Tariff (Exchange Adjustment) Act 1934 ..	No. 3, 1934	1934	4
Customs Tariff (Exchange Adjustment) Act 1936 ..	No. 15, 1936	1936	114
Customs Tariff (Exchange Adjustment) Act (No. 2) 1936	No. 69, 1936	1936	325
Customs Tariff (Exchange Adjustment) Act (No. 3) 1936	No. 77, 1936	1936	347
Customs Tariff (Exchange Adjustment) Act (No. 4) 1936	No. 81, 1936	1936	400
Customs Tariff (Exchange Adjustment) Act 1938 ..	No. 4, 1938	1938	37
Customs Tariff (Exchange Adjustment) Act 1939 ..	No. 3, 1939	1939	24
Customs Tariff (Exchange Adjustment) Act (No. 2) 1939	No. 57, 1939	1939	178
Customs Tariff (Exchange Adjustment) Act (No. 3) 1939	No. 60, 1939	1939	185
Customs Tariff (Exchange Adjustment) Act (No. 4) 1939	No. 63, 1939	1939	189
Customs Tariff (Exchange Adjustment) Validation Act 1934..	No. 24, 1934	1934	82
Customs Tariff (Exchange Adjustment) Validation Act 1935..	No. 20, 1935	1935	31
Customs Tariff (Exchange Adjustment) Validation Act (No. 2) 1935 ..	No. 32, 1935	1935	55
Customs Tariff (Exchange Adjustment) Validation Act 1935..	No. 52, 1936	1936	266
Customs Tariff (Exchange Adjustment) Validation Act 1937..	No. 22, 1937	1937	72
Customs Tariff (Exchange Adjustment) Validation Act 1939 ..	No. 77, 1939	1939	234
Customs Tariff (Exchange Adjustment) Validation Act 1940 ..	No. 51, 1940	1940	106
Customs Tariff (Exchange Adjustment) Validation Act 1941..	No. 18, 1941	1941	55
Customs Tariff (Exchange Adjustment) Validation Act (No. 2) 1941 ..	No. 43, 1941	1941	96
Customs Tariff (Exchange Adjustment) Validation Act 1942..	No. 37, 1942	1942	106
Customs Tariff (Exchange Adjustment) Validation Act 1943..	No. 5, 1943	1943	7
Customs Tariff (Exchange Adjustment) Validation Act (No. 2) 1943 ..	No. 29, 1943	1943	94
Customs Tariff (Industries Preservation) Act 1921 ..	No. 28, 1921	1921	154
Customs Tariff (Industries Preservation) Act 1922 ..	No. 20, 1922	1922	63
Customs Tariff (Industries Preservation) Act 1933 ..	No. 30, 1933	1933	236
Customs Tariff (Industries Preservation) Act 1936 ..	No. 82, 1936	1936	401
(NOTE.— <i>The Customs Tariff (Industries Preservation) Act 1921, as amended to the end of 1936, is reprinted *</i>)			
Customs Tariff (Newfoundland Preference) 1939 ..	No. 50, 1939	1939	153
Customs Tariff (New Zealand Preference) Agreement Act 1933 ..	No. 24, 1933	1933	83
Customs Tariff (New Zealand Preference) 1921 ..	No. 27, 1921	1921	154
Customs Tariff (New Zealand Preference) 1922 ..	No. 3, 1922	1922	3
Customs Tariff (New Zealand Preference) 1922 (No. 2) ..	No. 36, 1922	1922	159
Customs Tariff (New Zealand Preference) 1926 ..	No. 38, 1926	1926	133
Customs Tariff (New Zealand Preference) 1928 ..	No. 25, 1928	1928	86
Customs Tariff (New Zealand Preference) 1933 ..	No. 26, 1933	1933	105
Customs Tariff (New Zealand Preference) 1934 ..	No. 2, 1934	1934	2
Customs Tariff (New Zealand Preference) Validation Act 1940 ..	No. 56, 1940	1940	107
Customs Tariff (New Zealand Preference) Validation Act 1941..	No. 21, 1941	1941	57
Customs Tariff (New Zealand Preference) Validation Act (No. 2) 1941 ..	No. 46, 1941	1941	97

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Customs Tariff (New Zealand Preference) Validation Act 1943	No. 7, 1943	1943	8
Customs Tariff (New Zealand Preference) Validation Act (No. 2, 1943)	No. 31, 1943	1943	96
<i>Customs Tariff (Papua and New Guinea Preference) 1926</i>	No. 6, 1926	1926	14
<i>Customs Tariff (Papua and New Guinea Preference) 1934</i>	No. 4, 1934	1934	5
Customs Tariff (Papua and New Guinea Preference) 1936	No. 81, 1936	1936	403
Customs Tariff (Primage Duties) 1934	No. 6, 1934	1934	10
<i>Customs Tariff (Primage Duties) Validation Act 1931</i>	No. 55, 1931	1931	131
<i>Customs Tariff (South African Preference) 1903</i>	No. 17, 1906	1906	61
Customs Tariff (Southern Rhodesian Preference) 1941	No. 12, 1941	1941	51
<i>Customs Tariff (Special Duties) Validation Act 1931</i>	No. 56, 1931	1931	132
Customs Tariff (Special Duties) Validation Act 1934	No. 26, 1934	1934	83
Customs Tariff (Special War Duty) Validation Act 1940	No. 57, 1940	1940	108
Customs Tariff (Special War Duty) Validation Act 1941	No. 10, 1941	1941	56
Customs Tariff (Special War Duty) Validation Act (No. 2) 1941	No. 44, 1941	1941	96
Customs Tariff (Special War Duty) Validation Act 1942	No. 38, 1942	1942	106
Customs Tariff (Special War Duty) Validation Act 1943	No. 6, 1943	1943	7
Customs Tariff (Special War Duty) Validation Act (No. 2) 1943	No. 30, 1943	1943	95
<i>Customs Tariff (Sugar) 1922</i>	No. 32, 1922	1922	130
<i>Customs Tariff Validation Act 1917</i>	No. 6, 1917	1917	6
<i>Customs Tariff Validation Act 1919</i>	No. 17, 1919	1919	60
<i>Customs Tariff Validation Act 1925</i>	No. 31, 1925	1925	58
<i>Customs Tariff Validation Act 1928</i>	No. 2, 1928	1928	15
<i>Customs Tariff Validation Act 1929</i>	No. 21, 1929	1929	62
<i>Customs Tariff Validation Act 1930</i>	No. 4, 1930	1930	8
<i>Customs Tariff Validation Act 1931</i>	No. 53, 1931	1931	129
Customs Tariff Validation Act 1934	No. 23, 1934	1934	81
Customs Tariff Validation Act 1935	No. 19, 1935	1935	31
Customs Tariff Validation Act (No. 2) 1935	No. 31, 1935	1935	54
Customs Tariff Validation Act 1936	No. 51, 1936	1936	265
Customs Tariff Validation Act 1937	No. 31, 1937	1937	72
Customs Tariff Validation Act 1938	No. 42, 1938	1938	164
Customs Tariff Validation Act 1939	No. 76, 1939	1939	134
Customs Tariff Validation Act 1940	No. 53, 1940	1940	105
Customs Tariff Validation Act 1941	No. 17, 1941	1941	54
Customs Tariff Validation Act (No. 2) 1941	No. 42, 1941	1941	95
Customs Tariff Validation Act 1942	No. 36, 1942	1942	105
Customs Tariff Validation Act 1943	No. 4, 1943	1943	6
Customs Tariff Validation Act (No. 2) 1943	No. 28, 1943	1943	94
Dairy Produce Act 1933	No. 58, 1933	1933	331
Dairy Produce Act 1935	No. 22, 1935	1935	33
Dairy Produce Export Charges Act 1924	No. 39, 1924	1924	186
Dairy Produce Export Charges Act 1929	No. 15, 1929	1929	57
Dairy Produce Export Charges Act 1937	No. 40, 1937	1937	84
Dairy Produce Export Control Act 1924	No. 38, 1924	1924	179
Dairy Produce Export Control Act 1935	No. 70, 1935	1935	199
Dairy Produce Export Control Act 1936	No. 26, 1936	1936	144
Dairy Produce Export Control Act 1937	No. 20, 1937	1937	33
Dairy Produce Export Control Act 1938	No. 18, 1938	1938	76
Dairy Produce Export Control Act 1942	No. 24, 1942	1942	68
<i>See also the Statute Law Revision Act 1934.</i>			
Dairying Industry Assistance Act 1942	No. 58, 1942	1942	187
Dairying Industry Assistance Act 1943	No. 37, 1943	1943	105
Darwin Lands Acquisition Act 1945	No. 24, 1945	1945	176
Daylight Saving Act 1916	No. 40, 1916	1916	76
Daylight Saving Repeal Act 1917	No. 35, 1917	1917	99
Debt Conversion Agreement Act 1931	No. 14, 1931	1931	44

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<i>Deceased Soldiers' Estates Act 1919</i>	No. 23, 1919	1919 74
Defence Act 1903	No. 20, 1903	1903 108
Defence Act 1904	No. 12, 1904	1904 13
Defence Act 1909	No. 15, 1909	1909 45
Defence Act 1910	No. 37, 1910	1910 98
Defence Act 1911	No. 15, 1911	1911 45
Defence Act 1912	No. 5, 1912	1912 10
Defence Act 1914	No. 36, 1914	1914-15 87
Defence Act 1915	No. 3, 1915	1914-15 95
Defence Act 1917	No. 36, 1917	1917 99
Defence Act 1918	No. 16, 1918	1918 25
Defence Act (No. 2) 1918	No. 47, 1918	1918 184
Defence Act 1927	No. 1, 1927	1927 1
Defence Act 1932	No. 50, 1932	1932 155
Defence Act 1939	No. 13, 1939	1939 57
Defence Act (No. 2) 1939	No. 38, 1939	1939 122
Defence Act (No. 3) 1939	No. 70, 1939	1939 211
Defence Act 1941	No. 4, 1941	1941 28
<i>See also the Statute Law Revision Act 1934; Air Force Act 1939.</i>		
(NOTE.—The Defence Act 1903, as amended to the end of 1939, is reprinted.)*		
Defence (Citizen Military Forces) Act 1943	No. 2, 1943	1943 5
Defence (Civil Employment) Act 1918	No. 17, 1918	1918 27
<i>Defence (Civil Employment) Act 1922</i>	No. 6, 1922	1922 25
Defence Equipment Act 1924	No. 18, 1924	1924 48
<i>Defence Equipment Act 1926</i>	No. 25, 1926	1926 77
Defence Equipment Act 1928	No. 6, 1928	1928 23
Defence Equipment Act 1934	No. 20, 1934	1934 74
Defence Equipment Act 1936	No. 55, 1936	1936 268
Defence Equipment Act 1937	No. 30, 1937	1937 71
Defence Equipment Act 1938	No. 73, 1938	1938 275
Defence Equipment Act 1939	No. 25, 1939	1939 77
Defence Equipment Act 1940	No. 67, 1940	1940 158
<i>Defence Lands Purchase Act 1913</i>	No. 18, 1913	1913 131
Defence (Naval). <i>See Naval Defence.</i>		
Defence (Naval Agreement). <i>See Naval Agreement.</i>		
<i>Defence Retirement Act 1922</i>	No. 9, 1922	1922 38
Defence (Visiting Forces) Act 1939	No. 5, 1939	1939 27
Designs Act 1906	No. 4, 1906	1906 4
Designs Act 1912	No. 14, 1912	1912 23
Designs Act 1932	No. 53, 1932	1932 161
Designs Act 1933	No. 36, 1933	1933 278
Designs Act 1934	No. 42, 1934	1934 108
<i>See Patents, Trade Marks and Designs.</i>		
<i>See also the Statute Law Revision Act 1934.</i>		
Development and Migration Act 1926	No. 29, 1926	1926 105
Development and Migration Act 1930	No. 11, 1930	1930 21
<i>Disputed Elections and Qualifications Act 1907</i>	No. 10, 1907	1907-8 12
Distillation Act 1901	No. 8, 1901	1901-2 117
Distillation Act 1918	No. 34, 1918	1918 137
Distillation Act 1923	No. 9, 1923	1923 19
Distillation Act 1925	No. 13, 1925	1925 18
Distillation Act 1931	No. 3, 1931	1931 3
Distillation Act 1934	No. 8, 1934	1934 23
(NOTE.—The Distillation Act 1901, as amended to the end of 1925, is reprinted.)*		
Dried Fruits Act 1928	No. 11, 1928	1928 37
Dried Fruits Act 1933	No. 59, 1933	1933 334
Dried Fruits Act 1935	No. 5, 1935	1935 6
<i>See also the Statute Law Revision Act 1934.</i>		

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	Act.	Year of volume and page.	
<i>Dried Fruits Advances Act 1924</i>	No. 20, 1924	1924	50
<i>Dried Fruits Advances Act 1926</i>	No. 13, 1926	1926	34
(NOTE.— <i>The Dried Fruits Advances Act 1924, as amended by the Act of 1926, is reprinted.*</i>)			
<i>Dried Fruits Export Charges Act 1924</i>	No. 41, 1924	1924	193
<i>Dried Fruits Export Charges Act 1927</i>	No. 6, 1927	1927	11
<i>Dried Fruits Export Charges Act 1929</i>	No. 12, 1929	1929	46
<i>Dried Fruits Export Control Act 1924</i>	No. 40, 1924	1924	187
<i>Dried Fruits Export Control Act 1930</i>	No. 46, 1930	1930	153
<i>Dried Fruits Export Control Act 1935</i>	No. 3, 1935	1935	4
<i>Dried Fruits Export Control Act 1937</i>	No. 21, 1937	1937	33
<i>Dried Fruits Export Control Act 1938</i>	No. 21, 1938	1938	79
<i>See also the Statute Law Revision Act 1934.</i>			
(NOTE.— <i>The Dried Fruits Export Control Act 1924, as amended to the end of 1938, is reprinted.*</i>)			
<i>Drought Relief. See States Grants (Drought Relief).</i>			
<i>Drought Relief Act 1945</i>	No. 17, 1945	1945	160
<i>Economic Research Act 1929</i>	No. 9, 1929	1929	41
<i>Education Act 1945</i>	No. 55, 1945	1945	423
<i>Elections. See Senate Elections.</i>			
<i>Electoral. See Commonwealth Electoral.</i>			
<i>Electoral Divisions Act 1903</i>	No. 9, 1903	1903	89
<i>Electoral Validating Act 1906</i>	No. 12, 1906	1906	37
<i>Emergency Legislation Suspension Act 1932</i>	No. 13, 1932	1932	42
<i>Emigration Act 1910</i>	No. 26, 1910	1910	68
<i>Empire Air Service (England to Australia) Act 1938</i>	No. 13, 1938	1938	46
<i>Empire Air Service (England to Australia) Act 1941</i>	No. 11, 1941	1941	48
<i>Enemy Contracts Annulment Act 1915</i>	No. 11, 1915	1914-15	105
<i>Enemy, Trading with. See Trading with the Enemy.</i>			
<i>Entertainments Tax Act 1916</i>	No. 38, 1916	1916	68
<i>Entertainments Tax Act 1918</i>	No. 25, 1918	1918	57
<i>Entertainments Tax Act 1919</i>	No. 11, 1919	1919	54
<i>Entertainments Tax Act 1922</i>	No. 15, 1922	1922	57
<i>Entertainments Tax Act 1925</i>	No. 23, 1925	1925	44
<i>Entertainments Tax Act 1942</i>	No. 42, 1942	1942	117
<i>Entertainments Tax Act 1944</i>	No. 7, 1944	1944	61
<i>Entertainments Tax Assessment Act 1916</i>	No. 36, 1916	1916	59
<i>Entertainments Tax Assessment Act 1924</i>	No. 52, 1924	1924	239
<i>Entertainments Tax Assessment Act 1942</i>	No. 41, 1942	1942	108
<i>Entertainments Tax Assessment Act 1944</i>	No. 6, 1944	1944	50
(NOTE.— <i>The Entertainments Tax Assessment Act 1942, as amended to the end of 1944, is reprinted.*</i>)			
<i>Estate Duty Act 1914</i>	No. 25, 1914	1914-15	68
<i>Estate Duty Act 1940</i>	No. 13, 1940	1940	10
<i>Estate Duty Act 1941</i>	No. 51, 1941	1941	105
<i>Estate Duty Assessment Act 1914</i>	No. 22, 1914	1914-15	55
<i>Estate Duty Assessment Act 1916</i>	No. 29, 1916	1916	51
<i>Estate Duty Assessment Act 1922</i>	No. 34, 1922	1922	154
<i>Estate Duty Assessment Act 1928</i>	No. 47, 1928	1928	147
<i>Estate Duty Assessment Act 1940</i>	No. 12, 1940	1940	8
<i>Estate Duty Assessment Act 1942</i>	No. 18, 1942	1942	24
(NOTE.— <i>The Estate Duty Assessment Act 1914, as amended to the end of 1942, is reprinted.*</i>)			
<i>Evidence Act 1905</i>	No. 4, 1905	1905	4
<i>Evidence Act 1934</i>	No. 43, 1934	1934	109
<i>Excise Act 1901</i>	No. 9, 1901	1901-2	148
<i>Excise Act 1918</i>	No. 26, 1918	1918	58
<i>Excise Act 1923</i>	No. 8, 1923	1923	18
<i>Excise Act 1934</i>	No. 44, 1934	1934	109
<i>Excise Act 1942</i>	No. 16, 1942	1942	21
<i>See also Beer Excise.</i>			
(NOTE.— <i>The Excise Act 1901, as amended to the end of 1934, is reprinted.*</i>)			

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<i>Excise (Sugar) Act</i> 1910	No. 17, 1910	1910 26
<i>Excise Tariff</i> 1902	No. 11, 1902	1901-2 292
<i>Excise Tariff</i> 1905	No. 24, 1905	1905 81
<i>Excise Tariff (Amendment)</i> 1906	No. 15, 1906	1906 59
<i>Excise Tariff</i> 1906	No. 16, 1906	1906 59
<i>Excise Tariff</i> 1906	No. 20, 1906	1906 67
<i>Excise Tariff</i> 1908	No. 8, 1908	1907-8 115
<i>Excise Tariff (Starch)</i> 1908	No. 14, 1908	1907-8 123
<i>Excise Tariff</i> 1913	No. 6, 1913	1913 115
<i>Excise Tariff</i> 1921	No. 26, 1921	1921 149
<i>Excise Tariff</i> 1924	No. 28, 1924	1924 70
<i>Excise Tariff</i> 1926	No. 28, 1926	1926 104
<i>Excise Tariff</i> 1928	No. 4, 1928	1928 16
<i>Excise Tariff</i> 1933	No. 20, 1933	1933 71
<i>Excise Tariff (No. 2)</i> 1933	No. 21, 1933	1933 78
<i>Excise Tariff</i> 1936	No. 17, 1936	1936 120
<i>Excise Tariff</i> 1938	No. 24, 1938	1938 86
<i>Excise Tariff (No. 2)</i> 1938	No. 70, 1938	1938 271
<i>Excise Tariff</i> 1939	No. 29, 1939	1939 91
<i>Excise Tariff (No. 2)</i> 1939	No. 54, 1939	1939 162
<i>Excise Tariff (No. 3)</i> 1939	No. 65, 1939	1939 192
<i>Excise Tariff Rebate Act</i> 1944	No. 21, 1944	1944 163
<i>Excise Tariff Validation Act</i> 1917	No. 7, 1917	1917 7
<i>Excise Tariff Validation Act</i> 1919	No. 18, 1919	1919 69
<i>Excise Tariff Validation Act</i> 1925	No. 30, 1925	1925 57
<i>Excise Tariff Validation Act</i> 1929	No. 22, 1929	1929 64
<i>Excise Tariff Validation Act</i> 1931	No. 54, 1931	1931 130
<i>Excise Tariff Validation Act</i> 1934	No. 25, 1934	1934 82
<i>Excise Tariff Validation Act</i> 1937	No. 34, 1937	1937 74
<i>Excise Tariff Validation Act</i> 1940	No. 58, 1940	1940 108
<i>Excise Tariff Validation Act</i> 1941	No. 47, 1941	1941 98
<i>Excise Tariff Validation Act</i> 1943	No. 9, 1943	1943 9
<i>Excise Tariff Validation Act (No. 2)</i> 1943	No. 33, 1943	1943 97
<i>Export Guarantee Act</i> 1924	No. 42, 1924	1924 194
<i>Export Guarantee Act</i> 1925	No. 4, 1925	1925 4
<i>See also the Statute Law Revision Act 1934.</i>		
<i>Extradition Act</i> 1903	No. 12, 1903	1903 94
<i>Extradition Act</i> 1933	No. 35, 1933	1933 277
<i>See also the Statute Law Revision Act 1934.</i>		
<i>Federal Aid Roads Act</i> 1926	No. 46, 1926	1926 147
<i>Federal Aid Roads Act</i> 1931	No. 22, 1931	1931 68
<i>Federal Aid Roads Act</i> 1936	No. 63, 1936	1936 302
<i>Federal Aid Roads and Works Act</i> 1937	No. 3, 1937	1937 3
<i>Financial Agreement Act</i> 1928	No. 5, 1928	1928 18
<i>Financial Agreement Act</i> 1944	No. 46, 1944	1944 163
<i>Financial Agreements (Commonwealth Liability) Act</i> 1932	No. 2, 1932	1932 3
<i>Financial Agreements Enforcement Act</i> 1932	No. 3, 1932	1932 5
<i>Financial Agreements Enforcement Act (No. 2)</i> 1932	No. 7, 1932	1932 28
<i>Financial Agreements Enforcement Act (No. 3)</i> 1932	No. 8, 1932	1932 30
<i>Financial Agreements Enforcement Act (No. 4)</i> 1932	No. 10, 1932	1932 35
<i>Financial Agreement Validation Act</i> 1929	No. 4, 1929	1929 9
<i>Financial Emergency Act</i> 1931	No. 10, 1931	1931 15
<i>See also the Ministers of State Act 1935.</i>		
<i>Financial Emergency Act (No. 2)</i> 1931	No. 47, 1931	1931 117
<i>Financial Emergency Act</i> 1932	No. 35, 1932	1932 96
<i>See also the Ministers of State Act 1935.</i>		

† The *Excise Procedure Act* 1907, as amended by the *Statute Law Revision Act* 1934, may be cited as the *Bounties Procedure Act* 1907-1934. See the *Statute Law Revision Act* 1934 (No. 43, 1934), s. 1 and First Schedule.

ALPHABETICAL TABLE OF ACTS PASSED FROM 1901 TO 1945—continued.

	Act.	Year of volume and page.	
Financial Emergency Act 1933	No. 6, 1933	1933	10
<i>See also the Financial Relief Act 1934; the Ministers of State Act 1935; the Financial Relief Act 1935; the Financial Relief Act (No. 2) 1936; and the Parliamentary Salaries Adjustment Act 1938.</i>			
<i>Financial Emergency (State Legislation) Act 1932</i> ..	No. 11, 1932	1932	38
Financial Relief Act 1932	No. 64, 1932	1932	186
Financial Relief Act 1933	No. 17, 1933	1933	21
Financial Relief Act 1934	No. 16, 1934	1934	41
Financial Relief Act 1935	No. 36, 1935	1935	58
Financial Relief Act (No. 2) 1935	No. 57, 1935	1935	139
Financial Relief Act 1936	No. 1, 1936	1936	1
Financial Relief Act (No. 2) 1936	No. 29, 1936	1936	228
Financial Relief Act (No. 3) 1936	No. 73, 1936	1936	332
Financial Relief Act 1938	No. 66, 1938	1938	266
<i>See also the Ministers of State Act 1935; the Primary Producers Relief Act 1935; the Income Tax Assessment Act 1936; the Sales Tax Amendment Act 1936; and the Land Tax Act 1938.</i>			
Fishing Grounds. <i>See</i> Reaches. Fishing Grounds and Sea Routes Protection.			
Flax and Linsced Bounties Act 1930	No. 45, 1930	1930	147
Flax and Linsced Bounties Act 1931	No. 43, 1931	1931	114
<i>See also the Financial Emergency Act 1931; and the Statute Law Revision Act 1934.</i>			
Flour Tax Act (No. 1) 1933	No. 44, 1933	1933	307
Flour Tax Act (No. 1) 1934	No. 56, 1934	1934	286
Flour Tax Act (No. 1) 1935	No. 67, 1935	1935	197
Flour Tax Act (No. 2) 1933	No. 45, 1933	1933	308
Flour Tax Act (No. 2) 1934	No. 57, 1934	1934	287
Flour Tax Act (No. 3) 1933	No. 46, 1933	1933	309
Flour Tax Act (No. 3) 1934	No. 58, 1934	1934	287
Flour Tax Act (No. 3) 1935	No. 68, 1935	1935	197
Flour Tax Act 1938	No. 49, 1938	1938	193
Flour Tax Assessment Act 1933	No. 43, 1933	1933	292
Flour Tax Assessment Act 1934	No. 13, 1934	1934	38
Flour Tax Assessment Act (No. 2) 1934	No. 55, 1934	1934	270
Flour Tax Assessment Act 1935	No. 66, 1935	1935	195
Flour Tax Assessment Act 1936	No. 9, 1936	1936	13
Flour Tax (Imports and Exports) Act 1938	No. 51, 1938	1938	195
Flour Tax (Stocks) Act 1938	No. 50, 1938	1938	194
Flour Tax (Wheat Industry Assistance) Assessment Act 1938	No. 48, 1938	1938	176
Flour Tax (Wheat Industry Assistance) Assessment Act 1939	No. 27, 1939	1939	78
Forestry Bureau Act 1930	No. 16, 1930	1930	37
Forestry Bureau Act 1932	No. 27, 1932	1932	70
Forestry Bureau Act 1944	No. 13, 1944	1944	91
Franchise. <i>See</i> Commonwealth Franchise.			
<i>Freight Arrangements Act 1915</i>	No. 40, 1915	1914-15	171
<i>Freight Arrangements Act 1917</i>	No. 20, 1917	1917	32
<i>Fresh Fruits Export Charges Act 1927</i>	No. 23, 1927	1927	49
<i>Fresh Fruits Overseas Marketing Act 1927</i>	No. 22, 1927	1927	42
Fruit Growers' Relief Act 1933	No. 39, 1933	1933	281
<i>See also the Financial Relief Act 1934.</i>			
Funding Arrangements Act 1921	No. 15, 1921	1921	55
Geneva Convention Act 1938	No. 14, 1938	1938	70
Geophysical Survey Act 1928	No. 24, 1928	1928	85
Gift Duty Act 1941	No. 53, 1941	1941	122
Gift Duty Assessment Act 1941	No. 52, 1941	1941	106
Gift Duty Assessment Act 1942	No. 17, 1942	1942	22
(NOTE.—The Gift Duty Assessment Act 1941, as amended to the end of 1942, is reprinted.)*			

ALPHABETICAL TABLE OF ACTS PASSED FROM 1901 TO 1945—continued.

	Act.	Year of volume and page.	
Gold Bounty Act 1930	No. 75, 1930	1930	217
Gold Bounty Act 1931	No. 15, 1931	1931	48
<i>See also the Financial Emergency Act 1931 ; the Financial Emergency Act 1932 ; and the Statute Law Revision Act 1934.</i>			
Gold Mining Encouragement Act 1940	No. 38, 1940	1940	68
Gold Mining Encouragement Act (No. 2) 1940	No. 46, 1940	1940	80
Gold Tax Act 1939	No. 52, 1939	1939	157
Gold Tax Collection Act 1939	No. 51, 1939	1939	154
Gold Tax Collection Act 1940	No. 39, 1940	1940	72
Gold Tax Collection Act (No. 2) 1940	No. 95, 1940	1940	214
Governor-General's Residences Act 1906	No. 2, 1906	1906	2
Grafton to South Brisbane Railway Act 1924	No. 51, 1924	1924	241
Grafton to South Brisbane Railway Act 1926	No. 31, 1926	1926	124
Grafton to South Brisbane Railway Act 1929	No. 24, 1929	1929	65
Grafton-South Brisbane Railway Act 1930	No. 49, 1930	1930	157
<i>See also the Statute Law Revision Act 1934.</i>			
Grants. <i>See</i> Commonwealth Grants Commission.			
Gratuity. <i>See</i> War Gratuity.			
High Commissioner Act 1909	No. 22, 1909	1909	82
High Commissioner Act 1932	No. 34, 1932	1932	96
High Commissioner Act 1937	No. 26, 1937	1937	60
High Commissioner Act 1940	No. 52, 1940	1940	105
High Commissioner Act 1945	No. 54, 1945	1945	422
High Court Procedure Act 1903	No. 7, 1903	1903	27
High Court Procedure Act 1915	No. 5, 1915	1914-15	98
High Court Procedure Act 1921	No. 35, 1921	1921	175
High Court Procedure Act 1925	No. 5, 1925	1925	5
High Court Procedure Act 1933	No. 63, 1933	1933	346
High Court Procedure Amendment Act 1903	No. 13, 1903	1903	96
<i>See also the Financial Emergency Act 1931, and the Judiciary Act 1937.</i>			
(NOTE.— <i>The High Court Procedure Act 1903, as amended to the end of 1925, is reprinted.*</i>)			
Hop Pool Agreement Act 1924	No. 9, 1924	1924	24
Hospital Benefits Act 1945	No. 47, 1945	1945	368
<i>Housing. See</i> Commonwealth Housing.			
Immigration Act 1912	No. 38, 1912	1912	124
Immigration Act 1920	No. 51, 1920	1920	160
Immigration Act 1924	No. 47, 1924	1924	216
Immigration Act 1925	No. 7, 1925	1925	7
Immigration Act 1930	No. 56, 1930	1930	194
Immigration Act 1932	No. 26, 1932	1932	69
Immigration Act 1933	No. 37, 1933	1933	279
Immigration Act 1935	No. 13, 1935	1935	16
Immigration Act 1940	No. 36, 1940	1940	58
Immigration Loan Act 1922	No. 31, 1922	1922	129
Immigration Restriction Act 1901	No. 17, 1901	1901-2	252
Immigration Restriction Amendment Act 1905	No. 17, 1905	1905	45
Immigration Restriction Act 1908	No. 25, 1908	1908	5
Immigration Restriction Act 1910	No. 10, 1910	1910	12
(NOTE.— <i>The Immigration Restriction Act 1901, as amended to the end of 1940, is reprinted. The amendments effected by the Immigration Acts are included in this reprint.*</i>)			
Income Tax Act 1915	No. 41, 1915	1914-15	172
Income Tax Act (No. 2) 1915	No. 48, 1915	1914-15	197
Income Tax Act 1916	No. 37, 1916	1916	65
Income Tax Act 1917	No. 39, 1917	1917	119
Income Tax Act 1918	No. 41, 1918	1918	157
Income Tax Act 1919	No. 9, 1919	1919	51
Income Tax Act 1920	No. 37, 1920	1920	110

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	Act	Year of volume and page.
<i>Income Tax Act 1921</i>	No. 33, 1921	1921 171
<i>Income Tax Act 1922</i>	No. 38, 1922	1922 202
<i>Income Tax Act 1923</i>	No. 26, 1923	1923 60
<i>Income Tax Act 1924</i>	No. 50, 1924	1924 226
<i>Income Tax Act 1925</i>	No. 29, 1925	1925 55
<i>Income Tax Act 1926</i>	No. 49, 1926	1926 152
<i>Income Tax Act 1927</i>	No. 31, 1927	1927 77
<i>Income Tax Act 1928</i>	No. 45, 1928	1928 133
<i>Income Tax Act 1929</i>	No. 30, 1929	1929 72
<i>Income Tax Act 1930</i>	No. 51, 1930	1930 181
<i>Income Tax Act (No. 2) 1930</i>	No. 61, 1930	1930 202
<i>Income Tax Act 1931</i>	No. 24, 1931	1931 76
<i>Income Tax Act 1932</i>	No. 75, 1932	1932 218
<i>Income Tax Act 1933</i>	No. 41, 1933	1933 285
<i>Income Tax Act 1934</i>	No. 31, 1934	1934 88
<i>Income Tax Act 1935</i>	No. 50, 1935	1935 120
<i>Income Tax Act 1936</i>	No. 66, 1936	1936 286
<i>Income Tax Act 1937</i>	No. 18, 1937	1937 26
<i>Income Tax Act 1938</i>	No. 39, 1938	1938 195
<i>Income Tax Act 1939</i>	No. 31, 1939	1939 94
<i>Income Tax Act 1940</i>	No. 18, 1940	1940 21
<i>Income Tax Act (No. 2) 1940</i>	No. 89, 1940	1940 193
<i>Income Tax Act 1941</i>	No. 55, 1941	1941 125
<i>Income Tax Act (No. 2) 1941</i>	No. 68, 1941	1941 154
<i>Income Tax Act 1942</i>	No. 23, 1942	1942 64
<i>Income Tax Act (No. 2) 1942</i>	No. 51, 1942	1942 153
<i>Income Tax Act 1943</i>	No. 11, 1943	1943 26
<i>Income Tax Act 1944</i>	No. 30, 1944	1944 122
<i>Income Tax Act 1945</i>	No. 5, 1945	1945 18
<i>Income Tax Act (No. 2) 1945</i>	No. 38, 1945	1945 327
<i>Income Tax Assessment Act 1915</i>	No. 34, 1915	1914-15 139
<i>Income Tax Assessment Act (No. 2) 1915</i>	No. 47, 1915	1914-15 193
<i>Income Tax Assessment Act 1916</i>	No. 31, 1916	1916 53
<i>Income Tax Assessment Act (No. 2) 1916</i>	No. 39, 1916	1916 69
<i>Income Tax Assessment Act 1918</i>	No. 18, 1918	1918 31
<i>Income Tax Assessment Act 1921</i>	No. 31, 1921	1921 163
<i>Income Tax Assessment Act 1921 (No. 2)</i>	No. 32, 1921	1921 171
<i>Income Tax Assessment Act 1922</i>	No. 37, 1922	1922 161
<i>Income Tax Assessment Act 1923</i>	No. 27, 1923	1923 63
<i>Income Tax Assessment Act 1924</i>	No. 51, 1924	1924 228
<i>Income Tax Assessment Act 1925</i>	No. 28, 1925	1925 48
<i>Income Tax Assessment Act 1927</i>	No. 32, 1927	1927 80
<i>Income Tax Assessment Act 1928</i>	No. 46, 1928	1928 136
<i>Income Tax Assessment Act 1929</i>	No. 11, 1929	1929 45
<i>Income Tax Assessment Act 1930</i>	No. 50, 1930	1930 158
<i>Income Tax Assessment Act (No. 2) 1930</i>	No. 60, 1930	1930 200
<i>Income Tax Assessment Act 1931</i>	No. 23, 1931	1931 73
<i>Income Tax Assessment Act 1932</i>	No. 76, 1932	1932 222
<i>Income Tax Assessment Act 1933</i>	No. 40, 1933	1933 282
<i>Income Tax Assessment Act 1934</i>	No. 18, 1934	1934 64
<i>Income Tax Assessment Act (No. 2) 1934</i>	No. 51, 1934	1934 260
<i>Income Tax Assessment Act 1936</i>	No. 27, 1936	1936 145
<i>Income Tax Assessment Act (No. 2) 1936</i>	No. 88, 1936	1936 411
<i>Income Tax Assessment Act 1938</i>	No. 46, 1938	1938 168
<i>Income Tax Assessment Act 1939</i>	No. 30, 1939	1939 92
<i>Income Tax Assessment Act 1940</i>	No. 17, 1940	1940 16
<i>Income Tax Assessment Act (No. 2) 1940</i>	No. 65, 1940	1940 145
<i>Income Tax Assessment Act 1941</i>	No. 58, 1941	1941 131
<i>Income Tax Assessment Act (No. 2) 1941</i>	No. 69, 1941	1941 155
<i>Income Tax Assessment Act 1942</i>	No. 22, 1942	1942 52
<i>Income Tax Assessment Act (No. 2) 1942</i>	No. 50, 1942	1942 135
<i>Income Tax Assessment Act 1943</i>	No. 10, 1943	1943 10

ALPHABETICAL TABLE OF ACTS PASSED FROM 1901 TO 1945—continued.

	Act.	Year of volume and page.	
Income Tax Assessment Act 1944	No. 3, 1944	1944	22
Income Tax Assessment Act (No. 2) 1944	No. 28, 1944	1944	112
Income Tax Assessment Act 1945	No. 4, 1945	1945	8
Income Tax Assessment Act (No. 2) 1945	No. 37, 1945	1945	325
<i>See also the Judiciary Act 1937.</i>			
(NOTE.— <i>The Income Tax Assessment Act 1936, as amended to the end of 1945, is reprinted.*</i>)			
Income Tax Assessment (Bonus Shares) Act 1926	No. 12, 1926	1926	32
Income Tax Assessment (Live Stock) Act 1924	No. 33, 1924	1924	75
Income Tax Collection Act 1923	No. 28, 1923	1923	67
Income Tax Collection Act 1924	No. 33, 1924	1924	79
Income Tax Collection Act 1938	No. 23, 1938	1938	85
Income Tax Collection Act 1940	No. 40, 1940	1940	73
<i>See also the Financial Emergency Act 1931 ; and the Statute Law Revision Act 1934.</i>			
Income Tax (Salaries) Act 1930	No. 59, 1930	1930	198
Income Tax (Salaries) Assessment Act 1930	No. 58, 1930	1930	196
Income Tax (War-time Arrangements) Act 1942	No. 21, 1942	1942	48
Income Tax (War-time Arrangements) Act 1943	No. 34, 1943	1943	98
Income Tax (War-time Arrangements) Act 1944	No. 32, 1944	1944	129
Industrial Peace Act 1920	No. 21, 1920	1920	60
Industrial Peace Act (No. 2) 1920	No. 55, 1920	1920	174
Inscribed Stock. <i>See Commonwealth Inscribed Stock.</i>			
Institute of Science and Industry Act 1920	No. 22, 1920	1920	67
Insurance Act 1932	No. 4, 1932	1932	16
Insurance Act (No. 2) 1932	No. 29, 1932	1932	72
<i>See also the Life Assurance Companies Act 1905 ; and the Judiciary Act 1937.</i>			
Inter-State Commission Act 1912	No. 33, 1912	1912	90
Invalid and Old-age Pensions Act 1908	No. 17, 1908	1907-8	127
Invalid and Old-age Pensions Act 1909	No. 3, 1909	1909	2
Invalid and Old-age Pensions Act 1909 No. 2	No. 21, 1909	1909	81
Invalid and Old-age Pensions Act 1912	No. 27, 1912	1912	80
Invalid and Old-age Pensions Act 1916	No. 32, 1916	1916	54
Invalid and Old-age Pensions Act 1917	No. 22, 1917	1917	34
Invalid and Old-age Pensions Act 1919	No. 22, 1919	1919	73
Invalid and Old-age Pensions Act 1920	No. 53, 1920	1920	164
Invalid and Old-age Pensions Act 1923	No. 15, 1923	1923	8
Invalid and Old-age Pensions Act 1925	No. 27, 1925	1925	47
Invalid and Old-age Pensions Act 1926	No. 44, 1926	1926	144
Invalid and Old-age Pensions Act 1928	No. 31, 1928	1928	97
Invalid and Old-age Pensions Act 1931	No. 46, 1931	1931	116
Invalid and Old-age Pensions Act 1933	No. 56, 1933	1933	326
Invalid and Old-age Pensions Act 1935	No. 1, 1935	1935	1
Invalid and Old-age Pensions Act 1937	No. 11, 1937	1937	10
Invalid and Old-age Pensions Act 1940	No. 97, 1940	1940	216
Invalid and Old-age Pensions Act 1941	No. 48, 1941	1941	99
Invalid and Old-age Pensions Act 1942	No. 3, 1942	1942	2
Invalid and Old-age Pensions Act 1943	No. 14, 1943	1943	39
Invalid and Old-age Pensions Act 1944	No. 16, 1944	1944	96
Invalid and Old-age Pensions Act 1945	No. 7, 1945	1945	23
<i>See also the Financial Emergency Act 1931 ; the Financial Emergency Act 1932 ; the Financial Relief Act 1932 ; the Financial Relief Act 1933 ; the Financial Relief Act (No. 2) 1936 ; and the National Welfare Fund Act 1945.</i>			
(NOTE.— <i>The Invalid and Old-age Pensions Act 1908, as amended to the end of 1937, is reprinted in Volume XXXV., p. 110 ; since reprinted as amended to the end of 1943.*</i>)			
Invalid and Old-age Pensions (Reciprocity with New Zealand) Act 1943	No. 36, 1943	1943	103
Iron and Steel Bounty Act 1918	No. 36, 1918	1918	141

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	Act.	Year of volume and page.
<i>Iron and Steel Bounty Act 1921</i>	No. 30, 1921	1921 163
<i>Iron and Steel Products Bounty Act 1922</i>	No. 29, 1922	1922 124
<i>Iron and Steel Products Bounty Act 1927</i>	No. 38, 1927	1927 124
<i>Iron and Steel Products Bounty Act 1929</i>	No. 32, 1929	1929 77
<i>Iron and Steel Products Bounty Act 1933</i>	No. 28, 1933	1933 229
<i>See also the Financial Emergency Act 1931; and the Statute Law Revision Act 1934.</i>		
<i>Iron Bounty Act 1914</i>	No. 27, 1914	1914-15 69
<i>Iron Bounty Act 1915</i>	No. 45, 1915	1914-15 179
<i>Jervis Bay Territory Acceptance Act 1915</i>	No. 19, 1915	1914-15 114
<i>Judiciary Act 1903</i>	No. 6, 1903	1903 8
<i>Judiciary Act 1906</i>	No. 5, 1906	1906 12
<i>Judiciary Act 1907</i>	No. 8, 1907	1907-8 9
<i>Judiciary Act 1910</i>	No. 34, 1910	1910 91
<i>Judiciary Act 1912</i>	No. 31, 1912	1912 94
<i>Judiciary Act 1914</i>	No. 11, 1914	1914-15 15
<i>Judiciary Act 1915</i>	No. 4, 1915	1914-15 97
<i>Judiciary Act 1920</i>	No. 38, 1920	1920 113
<i>Judiciary Act 1926</i>	No. 39, 1926	1926 135
<i>Judiciary Act 1927</i>	No. 9, 1927	1927 19
<i>Judiciary Act 1932</i>	No. 60, 1932	1932 183
<i>Judiciary Act 1933</i>	No. 65, 1933	1933 347
<i>Judiciary Act 1937</i>	No. 5, 1937	1937 7
<i>Judiciary Act 1939</i>	No. 43, 1939	1939 128
<i>Judiciary Act 1940</i>	No. 50, 1940	1940 102
<i>See also the Financial Emergency Act 1931; the Financial Relief Act 1933; the Seat of Government Supreme Court Act 1933; and the Statute Law Revision Act 1934.</i>		
(NOTE.— <i>The Judiciary Act 1903, as amended to the end of 1934, is reprinted.*</i>)		
<i>Judiciary (Diplomatic Representation) Act 1942</i>	No. 2, 1942	1942 2
<i>Jury Exemption Act 1905</i>	No. 2, 1905	1905 2
<i>Jury Exemption Act 1922</i>	No. 26, 1922	1922 118
<i>Jury Exemption Act 1932</i>	No. 59, 1932	1932 182
<i>Kalgoorlie to Port Augusta Railway Act 1911</i>	No. 7, 1911	1911 15
<i>Kalgoorlie to Port Augusta Railway Act 1912</i>	No. 3, 1912	1912 3
<i>Kalgoorlie to Port Augusta Railway Lands Act 1918</i>	No. 4, 1918	1918 4
<i>Kalgoorlie to Port Augusta Railway Lands Act 1920</i>	No. 33, 1920	1920 109
<i>Kalgoorlie to Port Augusta Railway Survey Act 1907</i>	No. 4, 1907	1907-8 4
<i>Land, Mining, Shares and Shipping Act 1919</i>	No. 27, 1919	1919 80
<i>Land Tax Act 1910</i>	No. 21, 1910	1910 37
<i>Land Tax Act 1914</i>	No. 28, 1914	1914-15 73
<i>Land Tax Act 1918</i>	No. 30, 1918	1918 128
<i>Land Tax Act 1919</i>	No. 10, 1919	1919 54
<i>Land Tax Act 1920</i>	No. 45, 1920	1920 129
<i>Land Tax Act 1922</i>	No. 17, 1922	1922 59
<i>Land Tax Act 1927</i>	No. 29, 1927	1927 63
<i>Land Tax Act 1938</i>	No. 45, 1938	1938 166
<i>Land Tax Act 1940</i>	No. 16, 1940	1940 15
<i>Land Tax Act 1941</i>	No. 50, 1941	1941 104
<i>See also the Financial Relief Act 1942; and the Financial Relief Act 1933.</i>		
(NOTE.— <i>The Land Tax Act 1910, as amended to the end of 1938, is reprinted.*</i>)		
<i>Land Tax Assessment Act 1910</i>	No. 22, 1910	1910 38
<i>Land Tax Assessment Act 1911</i>	No. 12, 1911	1911 26
<i>Land Tax Assessment Act 1912</i>	No. 37, 1912	1912 124
<i>Land Tax Assessment Act 1914</i>	No. 29, 1914	1914-15 70
<i>Land Tax Assessment Act 1916</i>	No. 33, 1916	1916 55
<i>Land Tax Assessment Act 1923</i>	No. 29, 1923	1923 71
<i>Land Tax Assessment Act 1924</i>	No. 32, 1924	1924 75
<i>Land Tax Assessment Act 1926</i>	No. 50, 1926	1926 155

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Land Tax Assessment Act 1927	No. 30, 1927	1927 64
Land Tax Assessment Act 1928	No. 34, 1928	1928 107
Land Tax Assessment Act 1930	No. 1, 1930	1930 1
Land Tax Assessment Act (No. 2) 1930	No. 8, 1930	1930 13
Land Tax Assessment Act 1934	No. 14, 1934	1934 40
Land Tax Assessment Act 1940	No. 15, 1940	1940 12
<i>See also the Financial Relief Act 1932; the Financial Relief Act 1933; and the Judiciary Act 1937.</i>		
<i>(NOTE.—The Land Tax Assessment Act 1910, as amended to the end of 1940, is reprinted.*)</i>		
Lands Acquisition Act 1906	No. 13, 1906	1906 38
Lands Acquisition Act 1912	No. 39, 1912	1912 129
Lands Acquisition Act 1916	No. 12, 1916	1916 14
Lands Acquisition Act 1932	No. 5, 1932	1932 25
Lands Acquisition Act 1936	No. 60, 1936	1936 295
<i>See also the Statute Law Revision Act 1934.</i>		
<i>(NOTE.—The Lands Acquisition Act 1906, as amended to the end of 1936, is reprinted.*)</i>		
Lands Acquisition (Defence) Act 1918	No. 5, 1918	1918 9
Legal Proceedings Control Act 1919	No. 30, 1919	1919 90
Life Assurance Companies Act 1905	No. 12, 1905	1905 30
Life Insurance Act 1945	No. 28, 1945	1945 181
<i>See also Insurance.</i>		
Lighthouses Act 1911	No. 14, 1911	1911 41
Lighthouses Act 1915	No. 17, 1915	1914-15 112
Lighthouses Act 1919	No. 6, 1919	1919 45
Lighthouses Act 1942	No. 35, 1942	1942 104
Loan Act 1911	No. 24, 1911	1911 98
Loan Act 1912	No. 22, 1912	1912 76
Loan Act 1913	No. 24, 1913	1913 146
Loan Act 1914	No. 30, 1914	1914-15 75
Loan Act (No. 2) 1914	No. 31, 1914	1914-15 76
<i>See also the Statute Law Revision Act 1934.</i>		
Loan Act 1915	No. 23, 1915	1914-15 123
Loan Act 1917	No. 30, 1917	1917 44
Loan Act 1918	No. 33, 1918	1918 134
Loan Act 1919	No. 13, 1919	1919 56
Loan Act 1920	No. 29, 1920	1920 89
Loan Act 1921	No. 9, 1921	1921 42
Loan Act (No. 2) 1921	No. 17, 1921	1921 61
Loan Act 1922	No. 7, 1922	1922 26
Loan Act 1923	No. 35, 1923	1923 78
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Loan Act (No. 3) 1943	No. 55, 1943	1943 126
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Loan (Farmers' Debt Adjustment) Act 1936	No. 8, 1936	1936 12
Loan Fund Expenditure Act 1933	No. 16, 1933	1933 20
Loan (Housing) Act 1945	No. 45, 1945	1945 365
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Loan (Unemployment Relief Works) Act 1932 ..	No. 9, 1932	1932 33
Loan (Unemployment Relief Works) Act (No. 2) 1932 ..	No. 23, 1932	1932 64
(NOTE.— <i>The Loan (Unemployment Relief Works) Act 1932, as amended by the Loan (Unemployment Relief Works) Act (No. 2) 1932, is reprinted.*</i>)		
Loan, War. <i>See</i> War Loan.		
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Main Roads Development Act 1924–1925	No. 5, 1924	1924 10
Main Roads Development Act 1925	No. 17, 1925	1925 29
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Manufactures Encouragement Act 1912	No. 28, 1912	1912 83
Manufactures Encouragement Act 1914	No. 4, 1914	1914–15 4
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Maternity Allowance Act 1926	No. 48, 1926	1926 152
Maternity Allowance Act 1927	No. 34, 1927	1927 105
Maternity Allowance Act 1937	No. 44, 1937	1937 88
Maternity Allowance Act 1942	No. 4, 1942	1942 6
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<i>See also</i> the Financial Emergency Act 1931; the Financial Emergency Act 1932; the Financial Relief Act 1933; the Financial Relief Act 1935; the Financial Relief Act (No. 2) 1936; and the Parliamentary Salaries Adjustment Act 1938.		
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<i>Motor Vehicles Agreement Act 1940</i>	No. 31, 1940	1940 52
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National Debt Sinking Fund Act 1924	No. 6, 1924	1924 11
National Debt Sinking Fund Act 1925	No. 3, 1925	1925 3
National Debt Sinking Fund Act 1928	No. 19, 1928	1928 80
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National Health and Pensions Insurance Act 1939	No. 8, 1939	1939 42
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National Health and Pensions Insurance (Employers' Contributions) Act 1938	No. 26, 1938	1938 147
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National Security Act 1940	No. 44, 1940	1940 78
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Naval Defence Act 1912	No. 21, 1912	1912	75
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<i>(NOTE.—The Naval Defence Act 1910, as amended to the end of 1918, is reprinted.)*</i>			
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Navigation Act 1919	No. 32, 1919	1919	105
Navigation Act 1920	No. 1, 1921	1921	1
Navigation Act 1925	No. 8, 1925	1925	11
Navigation Act 1926	No. 8, 1926	1926	17
Navigation (Maritime Conventions) Act 1934	No. 49, 1934	1934	135
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<i>(NOTE.—The Navigation Act 1912, as amended to the end of 1935, is reprinted.)*</i>			
New Guinea Act 1920	No. 25, 1920	1920	75
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Northern Territory Acceptance Act 1919	No. 24, 1919	1919	75
Northern Territory (Administration) Act 1910	No. 27, 1910	1910	72
Northern Territory (Administration) Act 1926	No. 19, 1926	1926	62
Northern Territory (Administration) Act 1931	No. 5, 1931	1931	5
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Northern Territory (Administration) Act 1933	No. 18, 1933	1933	69
Northern Territory (Administration) Act 1939	No. 85, 1939	1939	246
Northern Territory (Administration) Act 1940	No. 20, 1940	1940	32
Northern Territory (Administration) Act (No. 2) 1940	No. 87, 1940	1940	192
Northern Territory Railway Extension Act 1923	No. 11, 1923	1923	21
Northern Territory Representation Act 1922	No. 18, 1922	1922	59
Northern Territory Representation Act 1925	No. 21, 1925	1925	41
Northern Territory Representation Act 1936	No. 65, 1936	1936	305
<i>(NOTE.—The Northern Territory Representation Act 1922, as amended by the Act of 1925, is reprinted.)*</i>			
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Officers' Compensation Act 1908	No. 4, 1908	1907-8	40
Officers' Compensation Act 1909	No. 24, 1909	1909	89
Officers' Compensation Act 1912	No. 36, 1912	1912	118
Officers' Compensation Act 1915	No. 27, 1915	1914-15	128
Officers' Compensation Act 1915	No. 49, 1915	1914-15	198
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<i>Pacific Cable Act</i> 1911	No. 25, 1911	1911	99
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Pacific Island Labourers Act 1906	No. 22, 1906	1906	76
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<i>Parliamentary Allowances Act</i> 1920	No. 12, 1920	1920	40
<i>Parliamentary Allowances Act</i> 1928	No. 9, 1928	1928	34
<i>See also the Parliamentary Salaries Adjustment Act 1938.</i>			
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Pay-roll Tax Assessment Act 1941	No. 2, 1941	1941	3
Pay-roll Tax Assessment Act 1942	No. 48, 1942	1942	125
(NOTE.— <i>The Pay-roll Tax Assessment Act 1941, as amended to the end of 1942, is reprinted.*</i>)			
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Petroleum Oil Search Act 1941	No. 67, 1941	1941 153
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Petroleum Prospecting Act (No. 2) 1926	No. 31, 1926	1926 112
Petroleum Prospecting Act 1927	No. 16, 1927	1927 34
Petroleum Prospecting Act 1928	No. 8, 1928	1928 34
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<i>Pine Creek to Katherine River Railway Survey Act</i> 1912	No. 9, 1912	1912 18
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Post and Telegraph Act 1916	No. 14, 1916	1916 16
Post and Telegraph Act 1923	No. 17, 1923	1923 41
<i>See also the Statute Law Revision Act 1934.</i>		
(NOTE.— <i>The Post and Telegraph Act 1901, as amended to the end of 1923, is reprinted.*</i>)		
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Post and Telegraph Rates Act 1918	No. 24, 1918	1918 56
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Post and Telegraph Rates Act 1923	No. 16, 1923	1923 39
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Post and Telegraph Rates Act 1930	No. 20, 1930	1930 45
Post and Telegraph Rates Act 1931	No. 1, 1931	1931 1
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Post and Telegraph Rates Act 1941	No. 54, 1941	1941 123
Post and Telegraph Rates (Defence Forces) Act 1940	No. 24, 1940	1940 41
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<i>See also the Financial Emergency Act 1931.</i>		
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Primary Produce Export Charges Act 1937	No. 9, 1937	1937 13
Primary Produce Export Charges Act 1938	No. 60, 1938	1938 238
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Quarantine Act 1915	No. 42, 1915	1914-15	174
Quarantine Act 1920	No. 47, 1920	1920	133
Quarantine Act 1924	No. 30, 1924	1924	72
(NOTE.— <i>The Quarantine Act 1908, as amended to the end of 1924, is reprinted.*</i>)			
Queensland Meat Inspection Agreement Act 1932 ..	No. 15, 1932	1932	54
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Raw Cotton Bounty Act 1935	No. 6, 1935	1935	7
Raw Cotton Bounty Act 1938	No. 6, 1938	1938	41
Raw Cotton Bounty Act 1939	No. 68, 1939	1939	202
Raw Cotton Bounty Act 1940	No. 49, 1940	1940	93
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Referendum (Constitution Alteration) Act 1909 ..	No. 20, 1909	1909	79
Referendum (Constitution Alteration) Act 1910 ..	No. 31, 1910	1910	88
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Referendum (Constitution Alteration) Act 1915 ..	No. 38, 1915	1914-15	168
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<i>River Murray Waters Act</i> 1920	No. 56, 1920	1920 175
<i>River Murray Waters Act</i> 1923	No. 20, 1923	1923 51
<i>River Murray Waters Act</i> 1934	No. 11, 1934	1934 29
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<i>Royal Commissions Act</i> 1902	No. 12, 1902	1901-2 295
<i>Royal Commissions Act</i> 1912	No. 4, 1912	1912 4
<i>Royal Commissions Act</i> 1933	No. 1, 1933	1933 1
<i>Rules Publication Act</i> 1903	No. 18, 1903	1903 105
<i>Rules Publication Act</i> 1916	No. 16, 1916	1916 17
<i>Rules Publication Act</i> 1939	No. 55, 1939	1939 164
<i>See also</i> the Statute Law Revision Act 1934.		
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<i>Sales Tax Act</i> (No. 1) 1931	No. 26, 1931	1931 88
<i>Sales Tax Act</i> (No. 1) 1936	No. 32, 1936	1936 237
<i>Sales Tax Act</i> (No. 1) 1938	No. 30, 1938	1938 153
<i>Sales Tax Act</i> (No. 1) 1939	No. 16, 1939	1939 71
<i>Sales Tax Act</i> (No. 1) 1940	No. 3, 1940	1940 2
<i>Sales Tax Act</i> (No. 1A) 1940	No. 77, 1940	1940 182
<i>Sales Tax Act</i> (No. 1) 1941	No. 33, 1941	1941 86
<i>Sales Tax Act</i> (No. 1) 1942	No. 7, 1942	1942 14
<i>Sales Tax Act</i> (No. 1) 1943	No. 45, 1943	1943 116
<i>Sales Tax Act</i> (No. 2) 1930	No. 28, 1930	1930 103
<i>Sales Tax Act</i> (No. 2) 1931	No. 28, 1931	1931 92
<i>Sales Tax Act</i> (No. 2) 1936	No. 33, 1936	1936 238
<i>Sales Tax Act</i> (No. 2) 1938	No. 31, 1938	1938 153
<i>Sales Tax Act</i> (No. 2) 1939	No. 17, 1939	1939 72
<i>Sales Tax Act</i> (No. 2) 1940	No. 4, 1940	1940 3
<i>Sales Tax Act</i> (No. 2A) 1940	No. 78, 1940	1940 183
<i>Sales Tax Act</i> (No. 2) 1941	No. 34, 1941	1941 87
<i>Sales Tax Act</i> (No. 2) 1942	No. 8, 1942	1942 15
<i>Sales Tax Act</i> (No. 2) 1943	No. 46, 1943	1943 117
<i>Sales Tax Act</i> (No. 3) 1930	No. 30, 1930	1930 108
<i>Sales Tax Act</i> (No. 3) 1931	No. 30, 1931	1931 96
<i>Sales Tax Act</i> (No. 3) 1936	No. 34, 1936	1936 239
<i>Sales Tax Act</i> (No. 3) 1938	No. 32, 1938	1938 154
<i>Sales Tax Act</i> (No. 3) 1939	No. 18, 1939	1939 72
<i>Sales Tax Act</i> (No. 3) 1940	No. 5, 1940	1940 4
<i>Sales Tax Act</i> (No. 3A) 1940	No. 79, 1940	1940 184
<i>Sales Tax Act</i> (No. 3) 1941	No. 35, 1941	1941 88
<i>Sales Tax Act</i> (No. 3) 1942	No. 9, 1942	1942 16
<i>Sales Tax Act</i> (No. 3) 1943	No. 47, 1943	1943 118
<i>Sales Tax Act</i> (No. 4) 1930	No. 32, 1930	1930 112
<i>Sales Tax Act</i> (No. 4) 1931	No. 32, 1931	1931 98
<i>Sales Tax Act</i> (No. 4) 1936	No. 35, 1936	1936 240
<i>Sales Tax Act</i> (No. 4) 1938	No. 33, 1938	1938 155
<i>Sales Tax Act</i> (No. 4) 1939	No. 19, 1939	1939 73
<i>Sales Tax Act</i> (No. 4) 1940	No. 6, 1940	1940 4
<i>Sales Tax Act</i> (No. 4A) 1940	No. 80, 1940	1940 185
<i>Sales Tax Act</i> (No. 4) 1941	No. 36, 1941	1941 89
<i>Sales Tax Act</i> (No. 4) 1942	No. 10, 1942	1942 17
<i>Sales Tax Act</i> (No. 4) 1943	No. 48, 1943	1943 119
<i>Sales Tax Act</i> (No. 5) 1930	No. 34, 1930	1930 117
<i>Sales Tax Act</i> (No. 5) 1931	No. 34, 1931	1931 102
<i>Sales Tax Act</i> (No. 5) 1936	No. 36, 1936	1936 240
<i>Sales Tax Act</i> (No. 5) 1938	No. 34, 1938	1938 155

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Sales Tax Act (No. 5) 1939	No. 20, 1939	1939	74
Sales Tax Act (No. 5) 1940	No. 7, 1940	1940	5
Sales Tax Act (No. 5A) 1940	No. 81, 1940	1940	186
Sales Tax Act (No. 5) 1941	No. 37, 1941	1941	90
Sales Tax Act (No. 5) 1942	No. 11, 1942	1942	17
Sales Tax Act (No. 5) 1943	No. 49, 1943	1943	120
Sales Tax Act (No. 6) 1930	No. 36, 1930	1930	122
Sales Tax Act (No. 6) 1931	No. 36, 1931	1931	106
Sales Tax Act (No. 6) 1932	No. 48, 1932	1932	152
Sales Tax Act (No. 6) 1936	No. 37, 1936	1936	241
Sales Tax Act (No. 6) 1938	No. 35, 1938	1938	156
Sales Tax Act (No. 6) 1939	No. 21, 1939	1939	74
Sales Tax Act (No. 6) 1940	No. 8, 1940	1940	6
Sales Tax Act (No. 6A) 1940	No. 82, 1940	1940	187
Sales Tax Act (No. 6) 1941	No. 38, 1941	1941	91
Sales Tax Act (No. 6) 1942	No. 12, 1942	1942	18
Sales Tax Act (No. 6) 1943	No. 50, 1943	1943	121
Sales Tax Act (No. 7) 1930	No. 38, 1930	1930	126
Sales Tax Act (No. 7) 1931	No. 38, 1931	1931	110
Sales Tax Act (No. 7) 1936	No. 38, 1936	1936	242
Sales Tax Act (No. 7) 1938	No. 36, 1938	1938	157
Sales Tax Act (No. 7) 1939	No. 22, 1939	1939	75
Sales Tax Act (No. 7) 1940	No. 9, 1940	1940	6
Sales Tax Act (No. 7A) 1940	No. 83, 1940	1940	188
Sales Tax Act (No. 7) 1941	No. 39, 1941	1941	92
Sales Tax Act (No. 7) 1942	No. 13, 1942	1942	19
Sales Tax Act (No. 7) 1943	No. 51, 1943	1943	122
Sales Tax Act (No. 8) 1930	No. 40, 1930	1930	130
Sales Tax Act (No. 8) 1931	No. 40, 1931	1931	112
Sales Tax Act (No. 8) 1936	No. 39, 1936	1936	243
Sales Tax Act (No. 8) 1938	No. 37, 1938	1938	157
Sales Tax Act (No. 8) 1939	No. 23, 1939	1939	76
Sales Tax Act (No. 8) 1940	No. 10, 1940	1940	7
Sales Tax Act (No. 8A) 1940	No. 84, 1940	1940	189
Sales Tax Act (No. 8) 1941	No. 40, 1941	1941	93
Sales Tax Act (No. 8) 1942	No. 14, 1942	1942	20
Sales Tax Act (No. 8) 1943	No. 52, 1943	1943	123
Sales Tax Act (No. 9) 1930	No. 42, 1930	1930	133
Sales Tax Act (No. 9) 1931	No. 42, 1931	1931	113
Sales Tax Act (No. 9) 1935	No. 10, 1935	1935	12
Sales Tax Act (No. 9) 1936	No. 40, 1936	1936	243
Sales Tax Act (No. 9) 1938	No. 38, 1938	1938	158
Sales Tax Act (No. 9) 1939	No. 24, 1939	1939	76
Sales Tax Act (No. 9) 1940	No. 11, 1940	1940	8
Sales Tax Act (No. 9A) 1940	No. 85, 1940	1940	190
Sales Tax Act (No. 9) 1941	No. 41, 1941	1941	94
Sales Tax Act (No. 9) 1942	No. 15, 1942	1942	20
Sales Tax Act (No. 9) 1943	No. 53, 1943	1943	124
(NOTE.—The Sales Tax Acts (Nos. 1 to 9) 1930, as amended to the end of 1941, are reprinted.)*			
Sales Tax Amendment Act 1936	No. 78, 1936	1936	348
Sales Tax Assessment Act (No. 1) 1930	No. 25, 1930	1930	72
Sales Tax Assessment Act (No. 1A) 1930	No. 62, 1930	1930	204
Sales Tax Assessment Act (No. 1) 1931	No. 25, 1931	1931	80
Sales Tax Assessment Act (No. 1) 1932	No. 39, 1932	1932	110
Sales Tax Assessment Act (No. 1) 1933	No. 47, 1933	1933	310
Sales Tax Assessment Act (No. 1) 1934	No. 29, 1934	1934	85
Sales Tax Assessment Act (No. 1) 1935	No. 8, 1935	1935	8
Sales Tax Assessment Act (No. 1) 1940	No. 30, 1940	1940	50
Sales Tax Assessment Act (No. 1A) 1940	No. 64, 1940	1940	143
Sales Tax Assessment Act (No. 1) 1942	No. 54, 1942	1942	175
Sales Tax Assessment Act (No. 2) 1930	No. 27, 1930	1930	99
Sales Tax Assessment Act (No. 2A) 1930	No. 64, 1930	1930	206

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Sales Tax Assessment Act (No. 2) 1931	No. 27, 1931	1931	89
Sales Tax Assessment Act (No. 2) 1932	No. 40, 1932	1932	119
Sales Tax Assessment Act (No. 2) 1933	No. 48, 1933	1933	314
<i>Sales Tax Assessment Act (No. 2) 1934</i>	No. 30, 1934	1934	87
Sales Tax Assessment Act (No. 3) 1930	No. 29, 1930	1930	104
Sales Tax Assessment Act (No. 3A) 1930	No. 65, 1930	1930	207
Sales Tax Assessment Act (No. 3) 1931	No. 29, 1931	1931	93
Sales Tax Assessment Act (No. 3) 1932	No. 41, 1932	1932	124
Sales Tax Assessment Act (No. 3) 1933	No. 49, 1933	1933	316
Sales Tax Assessment Act (No. 4) 1930	No. 31, 1930	1930	109
Sales Tax Assessment Act (No. 4A) 1930	No. 66, 1930	1930	208
<i>Sales Tax Assessment Act (No. 4) 1931</i>	No. 31, 1931	1931	97
Sales Tax Assessment Act (No. 4) 1932	No. 42, 1932	1932	129
Sales Tax Assessment Act (No. 4) 1933	No. 50, 1933	1933	318
Sales Tax Assessment Act (No. 5) 1930	No. 33, 1930	1930	113
Sales Tax Assessment Act (No. 5A) 1930	No. 67, 1930	1930	208
Sales Tax Assessment Act (No. 5) 1931	No. 33, 1931	1931	99
Sales Tax Assessment Act (No. 5) 1932	No. 43, 1932	1932	133
Sales Tax Assessment Act (No. 5) 1933	No. 51, 1933	1933	319
Sales Tax Assessment Act (No. 5) 1939	No. 26, 1939	1939	77
Sales Tax Assessment Act (No. 6) 1930	No. 35, 1930	1930	118
Sales Tax Assessment Act (No. 6A) 1930	No. 68, 1930	1930	209
Sales Tax Assessment Act (No. 6) 1931	No. 35, 1931	1931	103
Sales Tax Assessment Act (No. 6) 1932	No. 44, 1932	1932	138
Sales Tax Assessment Act (No. 6) 1933	No. 52, 1933	1933	320
Sales Tax Assessment Act (No. 7) 1930	No. 37, 1930	1930	122
Sales Tax Assessment Act (No. 7A) 1930	No. 69, 1930	1930	210
Sales Tax Assessment Act (No. 7) 1931	No. 37, 1931	1931	107
Sales Tax Assessment Act (No. 7) 1932	No. 45, 1932	1932	143
Sales Tax Assessment Act (No. 7) 1933	No. 53, 1933	1933	322
Sales Tax Assessment Act (No. 8) 1930	No. 39, 1930	1930	127
Sales Tax Assessment Act (No. 8A) 1930	No. 70, 1930	1930	210
<i>Sales Tax Assessment Act (No. 8) 1931</i>	No. 39, 1931	1931	111
Sales Tax Assessment Act (No. 8) 1932	No. 46, 1932	1932	148
Sales Tax Assessment Act (No. 8) 1933	No. 54, 1933	1933	324
Sales Tax Assessment Act (No. 9) 1930	No. 41, 1930	1930	130
Sales Tax Assessment Act (No. 9A) 1930	No. 71, 1930	1930	211
Sales Tax Assessment Act (No. 9) 1931	No. 41, 1931	1931	112
Sales Tax Assessment Act (No. 9) 1932	No. 47, 1932	1932	151
Sales Tax Assessment Act (No. 9) 1933	No. 55, 1933	1933	325
Sales Tax Assessment Act (No. 9) 1935	No. 9, 1935	1935	10
<i>See also the Financial Relief Act 1932 ; the Financial Relief Act 1933 ; the Financial Relief Act 1934 ; the Sales Tax Procedure Act 1934-1935 ; the Sales Tax Exemptions Act 1935-1940 ; and the Sales Tax Amendment Act 1936.</i>			
<i>(NOTE.—The Sales Tax Assessment Act (No. 1) 1930, as amended to the end of 1942, is reprinted. The Sales Tax Assessment Acts (Nos. 2 to 9), 1930, as amended to the end of 1936, are reprinted.*)</i>			
<i>Sales Tax Assessment (Fiji Imports) Act 1934</i> ..	No. 62, 1934	1934	297
<i>Sales Tax Assessment (New Zealand Imports) Act 1933</i> ..	No. 25, 1933	1933	104
Sales Tax Exemptions Act 1935	No. 60, 1935	1935	159
Sales Tax Exemptions Act 1936	No. 41, 1936	1936	244
Sales Tax Exemptions Act 1938	No. 78, 1938	1938	284
Sales Tax Exemptions Act 1939	No. 32, 1939	1939	97
Sales Tax Exemptions Act 1940	No. 29, 1940	1940	49
Sales Tax (Exemptions and Classifications) Act 1940 ..	No. 76, 1940	1940	170
Sales Tax (Exemptions and Classifications) Act 1941 ..	No. 32, 1941	1941	78
Sales Tax (Exemptions and Classifications) Act 1942 ..	No. 6, 1942	1942	11
Sales Tax (Exemptions and Classifications) Act 1943 ..	No. 35, 1943	1943	100
Sales Tax (Exemptions and Classifications) Act 1943 ..	No. 44, 1943	1943	115

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Sales Tax (Exemptions and Classifications) Act 1944 ..	No. 31, 1944	1944	127
Sales Tax (Exemptions and Classifications) Act 1945 ..	No. 36, 1945	1945	314
(NOTE.— <i>The Sales Tax Exemptions Act 1935, as amended to the end of 1945, is reprinted.*</i>)			
<i>Sales Tax (Financial Relief) Act 1935</i>	No. 45, 1935	1935	68
Sales Tax Procedure Act 1934	No. 53, 1934	1934	261
Sales Tax Procedure Act 1935	No. 12, 1935	1935	13
Sales Tax Procedure Act 1940	No. 63, 1940	1940	142
<i>See also the Sales Tax Amendment Act 1936.</i>			
(NOTE.— <i>The Sales Tax Procedure Act 1934, as amended to the end of 1936, is reprinted.*</i>)			
Sales Tax (Securities and Exemptions) Act 1935 ..	No. 61, 1935	1935	179
<i>Sanctions Act 1935</i>	No. 48, 1935	1935	113
Savings Bank. <i>See</i> Commonwealth Bank (Savings Bank).			
Science and Industry Endowment Act 1926	No. 21, 1926	1926	68
Science and Industry Research Act 1926	No. 20, 1926	1926	63
Science and Industry Research Act 1937	No. 27, 1937	1937	61
Science and Industry Research Act 1939	No. 1, 1939	1939	1
Science and Industry Research Act 1945	No. 25, 1945	1945	178
<i>See also Institute of Science and Industry.</i>			
(NOTE.— <i>The Institute of Science and Industry Act 1920, as amended to the end of 1939, is reprinted.*</i>)			
<i>Sea-Carriage of Goods Act 1904</i>	No. 14, 1904	1904	37
Sea-Carriage of Goods Act 1924	No. 22, 1924	1924	56
<i>Seamen's Compensation Act 1909</i>	No. 29, 1909	1909	128
Seamen's Compensation Act 1911	No. 13, 1911	1911	29
Seamen's Compensation Act 1938	No. 56, 1938	1938	211
(NOTE.— <i>The Seamen's Compensation Act 1911, as amended to the end of 1938, is reprinted.*</i>)			
Seamen's War Pensions and Allowances Act 1940 ..	No. 60, 1940	1940	110
Sea Routes Protection. <i>See</i> Beaches, Fishing Grounds and Sea Routes Protection.			
<i>Seat of Government Act 1904</i>	No. 7, 1904	1904	8
Seat of Government Act 1908	No. 24, 1908	1908	4
Seat of Government Acceptance Act 1909	No. 23, 1909	1909	84
Seat of Government Acceptance Act 1922	No. 28, 1922	1922	120
<i>Seat of Government Acceptance Act 1929</i>	No. 10, 1929	1929	44
Seat of Government Acceptance Act 1938	No. 12, 1938	1938	45
<i>See also the Judiciary Act 1927.</i>			
Seat of Government (Administration) Act 1910 ..	No. 25, 1910	1910	66
<i>Seat of Government (Administration) Act 1924</i> ..	No. 8, 1924	1924	14
<i>Seat of Government (Administration) Act 1926</i> ..	No. 32, 1926	1926	112
<i>Seat of Government (Administration) Act 1928</i> ..	No. 44, 1928	1928	127
<i>Seat of Government (Administration) Act 1929</i> ..	No. 29, 1929	1929	71
Seat of Government (Administration) Act 1930 ..	No. 2, 1930	1930	4
Seat of Government (Administration) Act 1931 ..	No. 9, 1931	1931	14
Seat of Government (Administration) Act 1933 ..	No. 4, 1933	1933	6
Seat of Government (Administration) Act 1934 ..	No. 67, 1934	1934	301
Seat of Government (Administration) Act 1935 ..	No. 39, 1935	1935	64
Seat of Government (Administration) Act 1939 ..	No. 86, 1939	1939	248
Seat of Government (Administration) Act 1940 ..	No. 14, 1940	1940	11
<i>See also the Judiciary Act 1927; and the Statute Law Revision Act 1934.</i>			
(NOTE.— <i>The Seat of Government (Administration) Act 1924, as amended to the end of 1928, is reprinted.*</i>)			
Seat of Government Railway Act 1928	No. 40, 1928	1928	115
Seat of Government Supreme Court Act 1933	No. 34, 1933	1933	264
Seat of Government Supreme Court Act 1935	No. 27, 1935	1935	48
Seat of Government Supreme Court Act 1945	No. 57, 1945	1945	428
Secret Commissions Act 1905	No. 10, 1905	1905	24
Senate Elections Act 1903	No. 2, 1903	1903	2

ALPHABETICAL TABLE OF ACTS PASSED FROM 1901 TO 1945—continued.

	Act.	Year of volume and page.	
Senate Elections Act 1922	No. 22, 1922	1922	109
Service and Execution of Process Act 1901	No. 11, 1901	1901-2	175
<i>Service and Execution of Process Act 1905</i>	No. 5, 1905	1905	6
Service and Execution of Process Act 1912	No. 18, 1912	1912	41
Service and Execution of Process Act 1918	No. 29, 1918	1918	127
Service and Execution of Process Act 1922	No. 27, 1922	1922	119
Service and Execution of Process Act 1924	No. 26, 1924	1924	68
Service and Execution of Process Act 1928	No. 14, 1928	1928	41
Service and Execution of Process Act 1931	No. 45, 1931	1931	116
<i>See also the Statute Law Revision Act 1934.</i>			
(NOTE.— <i>The Service and Execution of Process Act 1901, as amended to the end of 1934, is reprinted.*</i>)			
<i>Shale Oil Bounty Act 1917</i>	No. 29, 1917	1917	41
<i>Shale Oil Bounty Act 1921</i>	No. 6, 1921	1921	40
<i>Shale Oil Bounty Act 1922</i>	No. 40, 1922	1922	205
<i>Shale Oil Bounty Act 1923</i>	No. 23, 1923	1923	58
<i>Shale Oil Bounty Act 1926</i>	No. 36, 1926	1926	131
(NOTE.— <i>The Shale Oil Bounty Act 1917, as amended to the end of 1926, is reprinted.*</i>)			
<i>Shale Oils Bounties Act 1910</i>	No. 23, 1910	1910	61
Shares. <i>See</i> Land, Mining, Shares and Shipping.			
Ship Bounty Act 1939	No. 45, 1939	1939	135
Shipping. <i>See</i> Land, Mining, Shares and Shipping.			
Silver Agreement Act 1933	No. 62, 1933	1933	337
Social Services Contribution Act 1945	No. 40, 1945	1945	339
Social Services Contribution Assessment Act 1945	No. 39, 1945	1945	330
Solar Observatory Fund Act 1930†	No. 5, 1930	1930	9
Solar Observatory Fund Act 1931†	No. 4, 1931	1931	4
Solar Observatory Fund Act 1932†	No. 28, 1932	1932	71
<i>See also the Commonwealth Observatory Fund Act 1944.</i>			
Soldiers' Estates. <i>See</i> Deceased Soldiers' Estates.			
Soldier Settlement Loans (Financial Agreement) Act 1935	No. 26, 1935	1935	40
Soldiers' Repatriation. <i>See</i> Australian Soldiers' Repatriation.			
Solicitor-General Act 1916	No. 28, 1916	1916	50
South African Preference. <i>See</i> Customs Tariff (South African Preference).			
<i>South Australia Grant Act 1929</i>	No. 26, 1929	1929	67
<i>South Australia Grant Act 1930</i>	No. 57, 1930	1930	195
<i>South Australia Grant Act 1931</i>	No. 19, 1931	1931	66
<i>South Australia Grant Act 1932</i>	No. 36, 1932	1932	108
<i>South Australia Grant Act 1933</i>	No. 70, 1933	1933	355
<i>South Australia Grant Act 1934</i>	No. 35, 1934	1934	103
<i>South Australia Grant Act 1935</i>	No. 42, 1935	1935	66
<i>South Australia Grant Act 1936</i>	No. 49, 1936	1936	264
<i>See also States Grants.</i>			
South Australian Farmers' Agreement Act 1922	No. 35, 1922	1922	155
Special Annuities Act 1939	No. 4, 1939	1939	25
Special Annuity Act 1923	No. 24, 1923	1923	59
Special Annuity Act 1934	No. 64, 1934	1934	299
Special Annuity Act 1935	No. 33, 1935	1935	56
Special Annuity Act 1936	No. 45, 1936	1936	261
Special Annuity Act 1945	No. 21, 1945	1945	168
Spirits Act 1906	No. 21, 1906	1906	69
Spirits Act 1915	No. 14, 1915	1914-15	109
Spirits Act 1918	No. 35, 1918	1918	139
Spirits Act 1923	No. 6, 1923	1923	17
Spirits Act 1932	No. 12, 1932	1932	40

† The *Solar Observatory Fund Act 1930-1932*, as amended by the *Commonwealth Observatory Fund Act 1944*, may be cited as the *Commonwealth Observatory Fund Act 1930-1944*. *See the Commonwealth Observatory Fund Act 1944* (No. 41, 1944), s. 1.

ALPHABETICAL TABLE OF ACTS PASSED FROM 1901 TO 1945—continued.

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<i>Spirits Act 1933</i>	No. 23, 1933	1933	82
<i>Spirits Act 1935</i>	No. 24, 1935	1935	38
(NOTE.— <i>The Spirits Act 1906, as amended to the end of 1935, is reprinted.*</i>)			
State Debts. <i>See</i> Constitution Alteration (State Debts).			
State Laws and Records Recognition Act 1901 ..	No. 5, 1901	1901-2	59
State and Territorial Laws and Records Recognition Act 1928.. .. .	No. 15, 1928	1928	43
States Grants Act 1927	No. 4, 1927	1927	8
<i>See also the Statute Law Revision Act 1934.</i>			
States Grants Act 1934	No. 38, 1934	1934	105
States' Grants Act 1935	No. 46, 1935	1935	108
States' Grants Act 1936	No. 54, 1936	1936	267
States' Grants Act 1937	No. 13, 1937	1937	22
States Grants Act 1938	No. 43, 1938	1938	165
States Grants Act 1939	No. 33, 1939	1939	99
States Grants Act 1940	No. 66, 1940	1940	157
States Grants Act 1941	No. 59, 1941	1941	141
States Grants Act 1942	No. 46, 1942	1942	124
States Grants Act 1943	No. 54, 1943	1943	125
States Grants Act 1944	No. 34, 1944	1944	134
States Grants Act 1945	No. 53, 1945	1945	421
States Grants (Drought Relief) Act 1940	No. 72, 1940	1940	163
States Grants (Drought Relief) Act 1944	No. 43, 1944	1944	156
States Grants (Entertainments Tax Reimbursement) Act 1942.. .. .	No. 43, 1942	1942	119
States Grants (Fertilizer) Act 1937	No. 29, 1937	1937	67
States Grants (Fertilizer) Act 1938	No. 75, 1938	1938	280
States Grants (Fertilizer) Act (No. 2) 1938	No. 74, 1938	1938	275
States Grants (Income Tax Reimbursement) Act 1942 ..	No. 20, 1942	1942	46
States Grants (Local Public Works) Act 1936	No. 12, 1936	1937	17
States Grants (Unemployment Relief) Act 1936	No. 71, 1936	1936	328
States Grants (Youth Employment) Act 1937	No. 37, 1937	1937	80
States Grants (Youth Employment) Act 1939	No. 10, 1939	1939	44
States Loan Act 1916	No. 17, 1916	1916	17
States Loan Act 1917	No. 16, 1917	1917	26
States Loan Act 1924	No. 17, 1924	1924	47
States Loan Act 1925	No. 6, 1925	1925	6
States Loan Act 1926	No. 35, 1926	1926	131
States Loan Act 1927	No. 12, 1927	1927	23
Statistical Bureau (Tasmania) Act 1924	No. 48, 1924	1924	220
Statistics. <i>See</i> Census and Statistics.			
Statute Law Revision Act 1934	No. 45, 1934	1934	110
Statute of Westminster Adoption Act 1942	No. 56, 1942	1942	181
Statutory Declarations Act 1911	No. 3, 1911	1911	3
Statutory Declarations Act 1922	No. 5, 1922	1922	25
Statutory Declarations Act 1944	No. 25, 1944	1944	107
(NOTE.— <i>The Statutory Declarations Act 1911, as amended to the end of 1944, is reprinted.*</i>)			
Steel Bounty. <i>See</i> Iron and Steel Bounty.			
Storage, Wheat. <i>See</i> Wheat Storage.			
Sugar Agreement Act 1932	No. 74, 1932	1932	213
Sugar Agreement Act 1935	No. 59, 1935	1935	154
Sugar Agreement Act 1940	No. 21, 1940	1940	33
Sugar Bounty Abolition Act 1912	No. 26, 1912	1912	79
Sugar Bounty Act 1903	No. 4, 1903	1903	5
Sugar Bounty Act 1905	No. 23, 1905	1905	79
Sugar Bounty Act 1910	No. 16, 1910	1910	25
Sugar Bounty Act 1912	No. 12, 1912	1912	21
Sugar Bounty Act 1913	No. 7, 1913	1913	116
Sugar Excise Repeal Act 1912	No. 25, 1912	1912	79
Sugar Industry Commission Act 1919	No. 16, 1919	1919	68
Sugar Purchase Act 1915	No. 31, 1915	1914-15	137

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<i>Sugar Purchase Act 1917</i>	No. 21, 1917	1917	33
<i>Sugar Purchase Act 1920</i>	No. 11, 1920	1920	40
<i>Sugar Purchase Act (No. 2) 1920</i>	No. 52, 1920	1920	163
<i>Sugar Rebate Abolition Act 1903</i>	No. 3, 1903	1903	4
<i>Sulphur Bounty Act 1923</i>	No. 21, 1923	1923	55
<i>Sulphur Bounty Act 1939</i>	No. 36, 1939	1939	109
<i>Sulphur Bounty Act (No. 2) 1939</i>	No. 79, 1939	1939	236
<i>Sulphur Bounty Act 1944</i>	No. 38, 1944	1944	138
<i>See also the Financial Emergency Act 1931; and the Statute Law Revision Act 1934.</i>			
<i>Superannuation Act 1922</i>	No. 33, 1922	1922	131
<i>Superannuation Act 1924</i>	No. 45, 1924	1924	199
<i>Superannuation Act 1930</i>	No. 22, 1930	1930	48
<i>Superannuation Act 1937</i>	No. 28, 1937	1937	62
<i>Superannuation Act 1942</i>	No. 53, 1942	1942	157
<i>Superannuation Act 1943</i>	No. 18, 1943	1943	48
<i>Superannuation Act 1945</i>	No. 15, 1945	1945	143
<i>Superannuation Act (No. 2) 1945</i>	No. 30, 1945	1945	258
<i>See also the Financial Emergency Act 1931; the Financial Relief Act 1933; and the Statute Law Revision Act 1934.</i>			
<i>(NOTE.—The Superannuation Act 1922, as amended to the end of 1937, is reprinted in Volume XXXV., p. 137; since reprinted as amended to the end of 1943.)*</i>			
<i>Superphosphate Bounty Act 1941</i>	No. 65, 1941	1941	150
<i>Supply and Development Act 1939</i>	No. 6, 1939	1939	34
<i>Supply and Development Act (No. 2) 1939</i>	No. 40, 1939	1939	125
<i>Supply and Development Act (No. 3) 1939</i>	No. 71, 1939	1939	212
<i>Supply and Development Act 1944</i>	No. 9, 1944	1944	71
<i>Surplus Revenue Act 1908</i>	No. 15, 1908	1907-8	124
<i>Surplus Revenue Act 1909</i>	No. 18, 1909	1909	65
<i>Surplus Revenue Act 1910</i>	No. 8, 1910	1910	9
<i>See also States Grants Act 1927; and the Statute Law Revision Act 1934.</i>			
<i>Tariff Board Act 1921</i>	No. 21, 1921	1921	65
<i>Tariff Board Act 1923</i>	No. 25, 1923	1923	60
<i>Tariff Board Act 1924</i>	No. 29, 1924	1924	71
<i>Tariff Board Act 1929</i>	No. 5, 1929	1929	27
<i>Tariff Board Act 1933</i>	No. 69, 1933	1933	354
<i>See also the Statute Law Revision Act 1934.</i>			
<i>Tariff. See Customs Tariff; and Excise Tariff.</i>			
<i>Tasmania Grant Act 1912</i>	No. 13, 1912	1912	22
<i>Tasmania Grant Act 1913</i>	No. 22, 1913	1913	144
<i>Tasmania Grant Act 1922</i>	No. 12, 1922	1922	45
<i>Tasmania Grant Act 1923</i>	No. 13, 1923	1923	32
<i>Tasmania Grant Act 1924</i>	No. 27, 1924	1924	69
<i>Tasmania Grant Act 1928</i>	No. 32, 1928	1928	98
<i>Tasmania Grant Act 1929</i>	No. 23, 1929	1929	64
<i>Tasmania Grant Act 1932</i>	No. 38, 1932	1932	110
<i>Tasmania Grant Act 1933</i>	No. 72, 1933	1933	357
<i>Tasmania Grant Act 1934</i>	No. 37, 1934	1934	104
<i>Tasmania Grant Act 1935</i>	No. 44, 1935	1935	67
<i>Tasmania Grant Act 1936</i>	No. 48, 1936	1936	263
<i>Tasmania Grant Act 1943</i>	No. 25, 1943	1943	86
<i>See also States Grants.</i>			
<i>Tasmania Grant (Flour Tax) Act 1935</i>	No. 73, 1935	1935	210
<i>Tasmania Sinking Fund Agreement Act 1928</i>	No. 43, 1928	1928	124
<i>Tasmanian Cable Rates Act 1906</i>	No. 10, 1906	1906	27
<i>Tasmanian Loan Redemption Act 1919</i>	No. 19, 1919	1919	70
<i>Taxation of Loans Act 1923</i>	No. 30, 1923	1923	72
<i>Telegraph. See Post and Telegraph.</i>			
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<i>Telegraphs and Telephones Special Works Account Act 1911</i>	No. 23, 1911	1911	95
Telephone. <i>See</i> Post and Telegraph; and Purchase Telephone Lines Acquisition.			
Termination of the Present War (Definition) Act 1919 ..	No. 26, 1919	1919	79
Therapeutic Substances Act 1937	No. 22, 1937	1937	34
Therapeutic Substances Act 1938	No. 41, 1938	1938	163
Tractor Bounty Act 1939	No. 35, 1939	1939	192
Tractor Bounty Act (No. 2) 1939	No. 80, 1939	1939	238
Tractor Bounty Act 1944	No. 37, 1944	1944	136
Trade Agreement (Belgium) Act 1936	No. 57, 1936	1936	278
Trade Agreement (Brazil) Act 1939	No. 83, 1939	1939	242
Trade Agreement (Czechoslovakia) Act 1936	No. 56, 1936	1936	268
Trade Agreement (France) Act 1936	No. 79, 1936	1936	373
Trade Agreement (Greece) Act 1940	No. 28, 1940	1940	46
Trade Agreement (Newfoundland) Act 1939	No. 49, 1939	1939	151
Trade Agreement (South Africa) Act 1936	No. 58, 1936	1936	291
Trade Agreement (Southern Rhodesia) Act 1941	No. 10, 1941	1941	43
Trade Agreement (Switzerland) Act 1938	No. 57, 1938	1938	217
Trade Commissioners Act 1933	No. 74, 1933	1933	368
Trade Commissioners Act 1936	No. 64, 1936	1936	304
Trade Descriptions. <i>See</i> Commerce (Trade Descriptions).			
Trade Marks Act 1905	No. 20, 1905	1905	52
Trade Marks Act 1912	No. 19, 1912	1912	44
Trade Marks Act 1919	No. 7, 1919	1919	46
Trade Marks Act 1922	No. 25, 1922	1922	118
Trade Marks Act 1936	No. 75, 1936	1936	333
<i>See</i> Patents, Trade Marks and Designs.			
<i>See also</i> the Statute Law Revision Act 1934.			
(NOTE.—The Trade Marks Act 1905, as amended to the end of 1922, is reprinted.*)			
<i>Trading with the Enemy Act 1914</i>	No. 9, 1914	1914-15	9
<i>Trading with the Enemy Act (No. 2) 1914</i>	No. 17, 1914	1914-15	44
<i>Trading with the Enemy Act 1916</i>	No. 20, 1916	1916	21
<i>Trading with the Enemy Act 1921</i>	No. 23, 1921	1921	73
<i>Trading with the Enemy Act 1939</i>	No. 14, 1939	1939	59
<i>Trading with the Enemy Act 1940</i>	No. 33, 1940	1940	55
Transferred Officers' Pensions Act 1934	No. 34, 1934	1934	102
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Transport Workers Act 1929	No. 3, 1929	1929	3
Transport Workers Act 1937	No. 43, 1937	1937	88
Treasury Bills Act 1914	No. 33, 1914	1914-15	78
Treasury Bills Act 1915	No. 25, 1915	1914-15	125
Treasury Bills Act 1940	No. 93, 1940	1940	212
Treaties of Peace (Austria and Bulgaria) Act 1920	No. 40, 1920	1920	115
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Treaty of Peace Act 1919	No. 20, 1919	1919	71
Treaty of Peace (Germany) Act 1920	No. 39, 1920	1920	114
Treaty of Peace (Hungary) Act 1921	No. 20, 1921	1921	64
<i>Trust Fund Advances Act 1910</i>	No. 2, 1910	1910	2
<i>Trust Fund Advances Act 1910 (No. 2)</i>	No. 15, 1910	1910	24
Tuberculosis Act 1945	No. 46, 1945	1945	366
Tyre Cord Bounty Act 1939	No. 75, 1939	1939	226
Unemployment and Sickness Benefits Act 1944	No. 10, 1944	1944	71
Unemployment Relief. <i>See</i> Loan (Unemployment Relief Works); Loan Appropriation (Unemployment Relief).			
United Kingdom and Australia Trade Agreement Act 1932	No. 57, 1932	1932	170
United Nations Food and Agriculture Organization Act 1944	No. 42, 1944	1944	149
United Nations Relief and Rehabilitation Administration Act 1944	No. 40, 1944	1944	140
<i>Unlawful Associations Act 1916</i>	No. 41, 1916	1916	77
<i>Unlawful Associations Act 1917</i>	No. 14, 1917	1917	22
<i>Mar Census Act 1915</i>	No. 20, 1915	1914-15	117

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<i>War Census Act 1916</i>	No. 21, 1916	1916 35
<i>War Crimes Act 1945</i>	No. 48, 1945	1945 371
<i>War Gratuity Act 1920</i>	No. 2, 1920	1920 2
<i>War Gratuity Act (No. 2) 1920</i>	No. 17, 1920	1920 55
<i>War Gratuity Act 19-5</i>	No. 16, 1945	1945 147
(NOTE.— <i>The War Gratuity Act 1920, as amended by the War Gratuity Act (No. 2) 1920, is reprinted.*</i>)		
<i>War Loan Act 1914</i>	No. 35, 1914	1914-15 86
<i>War Loan Act (No. 1) 1915</i>	No. 21, 1915	1914-15 122
<i>War Loan Act (No. 2) 1915</i>	No. 22, 1915	1914-15 122
<i>War Loan Act (No. 3) 1915</i>	No. 50, 1915	1914-15 199
<i>War Loan Act 1916</i>	No. 22, 1916	1916 36
<i>War Loan Act 1917</i>	No. 23, 1917	1917 35
<i>War Loan Act 1918</i>	No. 13, 1918	1918 18
<i>War Loan Act 1920</i>	No. 18, 1920	1920 57
<i>War Loan Act (United Kingdom) (No. 1) 1916</i>	No. 23, 1916	1916 36
<i>War Loan Act (United Kingdom) (No. 2) 1916</i>	No. 24, 1916	1916 37
<i>War Loan (United Kingdom) Act 1917</i>	No. 24, 1917	1917 35
<i>War Loan Securities Repurchase Act 1918</i>	No. 14, 1918	1918 18
<i>War Memorial. See Australian War Memorial.</i>		
<i>War Pensions Act 1914</i>	No. 34, 1914	1914-15 80
<i>War Pensions Act 1915</i>	No. 28, 1915	1914-15 130
<i>War Pensions Act 1916</i>	No. 25, 1916	1916 38
- <i>See also Australian Soldiers' Repatriation ; Financial Emergency ; Financial Relief.</i>		
<i>War Precautions Act 1914</i>	No. 10, 1914	1914-15 12
<i>War Precautions Act 1915</i>	No. 2, 1915	1914-15 92
<i>War Precautions Act (No. 2) 1915</i>	No. 39, 1915	1914-15 169
<i>War Precautions Act 1916</i>	No. 3, 1916	1916 3
<i>War Precautions Act 1918</i>	No. 37, 1918	1918 145
<i>War Precautions Act Repeal Act 1920</i>	No. 54, 1920	1920 165
<i>War Precautions Act Repeal Act 1921</i>	No. 36, 1921	1921 176
<i>War Precautions Act Repeal Act 1922</i>	No. 39, 1922	1922 205
<i>War Precautions Act Repeal Act 1923</i>	No. 34, 1923	1923 77
<i>War Precautions Act Repeal Act 1928</i>	No. 23, 1928	1928 85
<i>See also the Statute Law Revision Act 1934.</i>		
<i>War Precautions (Coal) Act 1921</i>	No. 22, 1921	1921 72
<i>War Service Estates Act 1942</i>	No. 57, 1942	1942 184
<i>War Service Estates Act 1943</i>	No. 39, 1943	1943 109
<i>War Service Homes Act 1918</i>	No. 43, 1918	1918 164
<i>War Service Homes Act 1919</i>	No. 28, 1919	1919 82
<i>War Service Homes Act 1920</i>	No. 35, 1920	1920 104
<i>War Service Homes Act 1923</i>	No. 18, 1923	1923 44
<i>War Service Homes Act 1925</i>	No. 26, 1925	1925 46
<i>War Service Homes Act 1926</i>	No. 47, 1926	1926 151
<i>War Service Homes Act 1927</i>	No. 17, 1927	1927 35
<i>War Service Homes Act 1929</i>	No. 13, 1929	1929 46
<i>War Service Homes Act 1932</i>	No. 6, 1932	1932 25
<i>War Service Homes Act (No. 2) 1932</i>	No. 68, 1932	1932 204
<i>War Service Homes Act 1934</i>	No. 63, 1934	1934 298
<i>War Service Homes Act 1935</i>	No. 54, 1935	1935 135
<i>War Service Homes Act 1937</i>	No. 25, 1937	1937 59
<i>War Service Homes Act 1941</i>	No. 1, 1941	1941 1
(NOTE.— <i>The War Service Homes Act 1918, as amended to the end of 1935, is reprinted.*</i>)		
<i>War Service Homes Agreement Act 1927</i>	No. 33, 1927	1927 95
<i>War Service Homes Agreement Act 1932</i>	No. 56, 1932	1932 165
<i>War Service Homes Commissioner Validating Act 1921</i>	No. 4, 1921	1921 38
<i>War Service Homes (South Australia) Agreement Act 1934</i>	No. 12, 1934	1934 34
<i>War Service Land Settlement Agreements Act 1945</i>	No. 52, 1945	1945 413
<i>War Tax Act 1941</i>	No. 70, 1941	1941 158

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War-time (Company) Tax Act 1941	No. 57, 1941	1941	129
War-time (Company) Tax Assessment Act 1940	No. 90, 1940	1940	196
War-time (Company) Tax Assessment Act 1941	No. 56, 1941	1941	128
War-time (Company) Tax Assessment Act 1942	No. 52, 1942	1942	154
War-time (Company) Tax Assessment Act 1943	No. 21, 1943	1943	58
War-time (Company) Tax Assessment Act 1944	No. 29, 1944	1944	121
(NOTE.— <i>The War-time (Company) Tax Assessment Act 1940, as amended to the end of 1944, is reprinted.*</i>)			
War-time Profits Tax Act 1917	No. 34, 1917	1917	98
War-time Profits Tax Assessment Act 1917	No. 33, 1917	1917	70
War-time Profits Tax Assessment Act 1918	No. 40, 1918	1919	150
<i>See also the Judiciary Act 1937.</i>			
War-time Profits Tax Assessment Act 1924	No. 53, 1924	1924	240
War-time Profits Tax Assessment Act 1926	No. 27, 1926	1926	101
(NOTE.— <i>The War-time Profits Tax Assessment Act 1924, as amended by the Act of 1926, is reprinted.*</i>)			
Western Australia Agreement (Wiluna Gold Mines) Act 1930	No. 14, 1930	1930	33
Western Australia Grant Act 1926	No. 10, 1926	1926	28
Western Australia Grant Act 1931	No. 20, 1931	1931	66
Western Australia Grant Act 1932	No. 37, 1932	1932	109
Western Australia Grant Act 1933	No. 71, 1933	1933	356
Western Australia Grant Act 1934	No. 36, 1934	1934	104
Western Australia Grant Act 1935	No. 43, 1935	1935	67
Western Australia Grant Act 1936	No. 47, 1936	1936	263
<i>See also States Grants.</i>			
Western Australian Farmers Agreement Act 1920	No. 30, 1920	1920	92
Western Australian Farmers Agreement Act 1921	No. 2, 1921	1921	36
Whaling Act 1935	No. 62, 1935	1935	184
Wheat Acquisition Act 1933	No. 67, 1933	1933	350
Wheat Advances Act 1930	No. 78, 1930	1930	229
Wheat and Wheat Products Act 1935	No. 65, 1935	1935	192
Wheat Bounty Act 1931	No. 48, 1931	1931	119
Wheat Bounty Act 1934	No. 60, 1934	1934	290
Wheat Bounty (Claims) Act 1932	No. 71, 1932	1932	208
Wheat Commission Act 1935	No. 15, 1935	1935	19
Wheat Growers Relief Act 1933	No. 42, 1933	1933	289
Wheat Growers Relief Act 1934	No. 10, 1934	1934	28
Wheat Growers Relief Act (No. 2) 1934	No. 50, 1934	1934	288
Wheat Growers Relief Act 1935	No. 11, 1935	1935	12
Wheat Growers Relief Act (No. 2) 1935	No. 55, 1935	1935	138
Wheat Growers Relief Act 1936	No. 2, 1936	1936	2
<i>See also the Financial Relief Act 1932.</i>			
Wheat Industry Assistance Act 1938	No. 53, 1938	1938	197
Wheat Industry (War-time Control) Act 1939	No. 84, 1939	1939	245
Wheat Industry (War-time Control) Act 1940	No. 70, 1940	1940	160
Wheat Industry (War-time Control) Act 1944	No. 19, 1944	1944	100
Wheat Pool Advances Act 1923	No. 32, 1923	1923	75
Wheat Storage Act 1917	No. 15, 1917	1917	24
Wheat Subsidy Act 1944	No. 17, 1944	1944	98
Wheat Tax Act 1938	No. 52, 1938	1938	196
Wheat Tax (War-time) Act 1940	No. 69, 1940	1940	160
Wheat Tax (War-time) Assessment Act 1940	No. 68, 1940	1940	158
Wheat Tax (War-time) Repeal Act 1944	No. 18, 1944	1944	99
Widows' Pensions Act 1942	No. 19, 1942	1942	33
Widows' Pensions Act 1943	No. 15, 1943	1943	44
Widows' Pensions Act 1944	No. 15, 1944	1944	94
Widows' Pensions Act 1945	No. 56, 1945	1945	427
Wiluna Gold Mines. <i>See Western Australia Agreement (Wiluna Gold Mines).</i>			

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<i>Wine Export Bounty Act 1924</i>	No. 23, 1924	1924 61
<i>Wine Export Bounty Act 1927</i>	No. 10, 1927	1927 21
<i>Wine Export Bounty Act 1928</i>	No. 12, 1928	1928 39
<i>Wine Export Bounty Act 1930</i>	No. 10, 1930	1930 16
<i>Wine Export Bounty Act 1931</i>	No. 2, 1931	1931 2
<i>Wine Export Bounty Act 1934</i>	No. 33, 1934	1934 95
<i>Wine Export Bounty Act 1939</i>	No. 44, 1939	1939 129
<i>Wine Export Bounty Act 1940</i>	No. 92, 1940	1940 212
<i>Wine Export Bounty Act 1944</i>	No. 45, 1944	1944 163
<i>See also the Financial Emergency Act 1931 ; and the Financial Emergency Act 1932.</i>		
<i>Wine Grapes Charges Act 1929</i>	No. 7, 1929	1929 37
<i>Wine Grapes Charges Act (No. 2) 1929</i>	No. 27, 1929	1929 68
<i>Wine Grapes Charges Act 1937</i>	No. 39, 1937	1937 84
<i>Wine Grapes Charges Act 1941</i>	No. 16, 1941	1941 54
<i>Wine Overseas Marketing Act 1929</i>	No. 6, 1929	1929 30
<i>Wine Overseas Marketing Act 1930</i>	No. 48, 1930	1930 156
<i>Wine Overseas Marketing Act 1936</i>	No. 94, 1936	1936 420
<i>Wine Overseas Marketing Act 1945</i>	No. 23, 1945	1945 173
<i>See also the Statute Law Revision Act 1934.</i>		
<i>Wire and Wire Netting Act 1927</i>	No. 15, 1927	1927 31
<i>Wire and Wire Netting Act 1932</i>	No. 55, 1932	1932 164
<i>Wireless Agreement Act 1924</i>	No. 24, 1924	1924 63
<i>Wireless Agreement Act 1927</i>	No. 37, 1927	1927 118
<i>Wireless Telegraphy Act 1905</i>	No. 8, 1905	1905 10
<i>Wireless Telegraphy Act 1915</i>	No. 33, 1915	1914-15 138
<i>Wireless Telegraphy Act 1919</i>	No. 4, 1919	1919 43
<i>Wireless Telegraphy Act 1936</i>	No. 10, 1936	1936 16
<i>Wire Netting Bounty Act 1939</i>	No. 37, 1939	1939 116
<i>Wire Netting Bounty Act (No. 2) 1939</i>	No. 81, 1939	1939 239
<i>Wire Netting Bounty Act 1940</i>	No. 74, 1940	1940 165
<i>Wire Netting Bounty Act 1944</i>	No. 39, 1944	1944 139
<i>Women's Employment Act 1942</i>	No. 55, 1942	1942 176
<i>Wood Pulp and Rock Phosphate Bounties Act 1912</i>	No. 32, 1912	1912 95
<i>Wood Pulp and Rock Phosphate Bounties Act 1917</i>	No. 28, 1917	1917 40
<i>Wool (Contributory Charge) Act 1945</i>	No. 51, 1945	1945 412
<i>Wool (Contributory Charge) Assessment Act 1945</i>	No. 50, 1945	1945 386
<i>Wool Publicity and Research Act 1936</i>	No. 24, 1936	1936 139
<i>Wool Realization Act 1945</i>	No. 49, 1945	1945 375
<i>Wool Tax Act 1936</i>	No. 23, 1936	1936 138
<i>Wool Tax Act 1945</i>	No. 2, 1945	1945 2
<i>Wool Tax Assessment Act 1936</i>	No. 22, 1936	1936 127
<i>Wool Tax Assessment Act (No. 2) 1936</i>	No. 42, 1936	1936 254
<i>Wool Use Promotion Act 1945</i>	No. 3, 1945	1945 3
<i>Workmen's Compensation. See Commonwealth Workmen's Compensation.</i>		
<i>Zoological Museum Agreement Act 1924</i>	No. 49, 1924	1924 223
<i>See also the Australian Institute of Anatomy Agreement Act 1931 and the Australian Institution of Anatomy Agreement Act 1933.</i>		

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION.

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Acts Interpretation Act 1930	No. 23, 1930		
Acts Interpretation Act 1937	No. 10, 1937	11th October, 1937 ..	1937, p. 1695
Air Navigation Act 1920 ..	No. 50, 1920	28th March, 1921 ..	1921, p. 480
Aliens Registration Act 1920	No. 49, 1920	1st January, 1921 ..	1921, p. 1
Aliens Registration Act 1939	No. 12, 1939		
Apple and Pear Export Charges Act 1938	No. 59, 1938	15th January, 1940 ..	1940, p. 85
Apple and Pear Organization Act 1938	No. 58, 1938	11th May, 1939 ..	1939, p. 761
Arbitration (Public Service) Act 1920	No. 28, 1920	31st March, 1921 ..	1921, p. 489
Ashmore and Cartier Islands Acceptance Act 1933	No. 60, 1933	3rd May, 1934 ..	1934, p. 667
Australian Broadcasting Act 1942	No. 33, 1942	1st July, 1942 ..	1942, p. 1505
<i>Australian Broadcasting Commission Act 1932</i>	No. 14, 1932	1st July, 1932 ..	1932, p. 853
Australian Industries Preservation Act 1909	No. 26, 1909	1st March, 1910 ..	1910, p. 669
Australian National Airlines Act 1945	No. 31, 1945	17th April, 1946 ..	1946, p. 1068
Australian Notes Act 1910 ..	No. 11, 1910	1st November, 1910 ..	1910, p. 1689
Australian Soldiers' Repatriation Act 1917†	No. 37, 1917	8th April, 1918 ..	1918, p. 559
Australian Soldiers' Repatriation Act 1920	No. 6, 1920	1st July, 1920 ..	1920, p. 909
Australian Soldiers' Repatriation Act 1929	No. 14, 1929	1st June, 1929 ..	1929, p. 1317
Australian Soldiers' Repatriation Act (No. 3) 1937	No. 42, 1937	1st January, 1938 ..	1937, p. 2347
Australian Soldiers' Repatriation Act 1943‡	No. 22, 1943		
Banking Act 1945 ..	No. 14, 1945	21st August, 1945 ..	1945, p. 1795
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Beer Excise Act 1901 ..	No. 7, 1901	7th October, 1901 ..	1901, p. 167
Bills of Exchange Act 1909 ..	No. 27, 1909	1st February, 1910 ..	1910, p. 45
Canned Fruits Export Control Act 1926||	No. 40, 1926	9th December, 1926 ..	1926, p. 2769
Canvas and Duck Bounty Act 1939	No. 73, 1939		
Commerce (Trade Descriptions) Act 1905	No. 16, 1905	8th June, 1906 ..	1906, p. 131

* Sections 1, 2, 4, 5 and 6 of the *Acts Interpretation Act 1930* commenced on the date of the Royal assent; the remaining section (section 3) was proclaimed to commence on the 27th October, 1930. (*See Gazette*, 25th October, 1930, p. 2093.)

† By section 2 of the *Australian Soldiers' Repatriation Act 1918* that Act commenced on the date on which the *Australian Soldiers' Repatriation Act 1917* was proclaimed to commence.

‡ Section 2 of the *Australian Soldiers' Repatriation Act 1943* provides that certain sections of the Act shall come into operation on a date to be fixed by Proclamation. These sections were proclaimed to come into operation on 6th May, 1943. (*See Gazette*, 1943, p. 838.)

§ Section 3 only of the *Beaches, Fishing Grounds and Sea Routes Protection Act 1932* is to commence on a date to be fixed by Proclamation. The section was proclaimed to commence on the 16th January, 1933. (*See Gazette*, 12th January, 1933, p. 53.)

|| Sections 1, 2, 5, and 29 of the *Canned Fruits Export Control Act 1926* commenced on the date of the Royal assent, and the remaining sections commenced on the date fixed by Proclamation.

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<i>Commonwealth Bank Act 1911</i>	No. 18, 1911	15th July, 1912 ..	1912, p. 1249
<i>Commonwealth Bank Act 1920</i>	No. 43, 1920	14th December, 1920	1920, p. 2275
<i>Commonwealth Bank Act 1924</i>	No. 15, 1924	10th October, 1924 ..	1924, p. 1937
<i>Commonwealth Bank Act 1943</i>	No. 13, 1943	27th September, 1943	1943, p. 1789
<i>Commonwealth Bank Act 1945*</i>	No. 13, 1945		
<i>Commonwealth Bank (Savings Bank) Act 1927</i>	No. 36, 1927	9th June, 1928 ..	1928, p. 1083
Commonwealth Conciliation and Arbitration Act 1926	No. 22, 1926	26th June, 1926 ..	1926, p. 1059
Commonwealth Conciliation and Arbitration Act 1928	No. 18, 1928	13th August, 1928 ..	1928, p. 2298
Commonwealth Debt Conversion Act 1931	No. 18, 1931	10th August, 1931 ..	1931, p. 1313
Commonwealth Debt Conversion Act (No. 2) 1931	No. 1, 1932	16th January, 1932..	1932, p. 50
Commonwealth Electoral Act 1909	No. 19, 1909	15th January, 1910..	1910, p. 29
Commonwealth Electoral Act 1911	No. 17, 1911	27th March, 1912 ..	1912, p. 430
Commonwealth Electoral Act 1918†	No. 27, 1918	{ 25th November, 1918 21st March, 1919 .. 14th December, 1920	1918, p. 2257 1919, p. 401 1920, p. 2277
Commonwealth Electoral Act 1922	No. 14, 1922	4th October, 1922 ..	1922, p. 1787
Commonwealth Electoral Act 1940	No. 19, 1940	16th August, 1940 ..	1940, p. 1727
Commonwealth Electoral (War-time) Act 1917 (Part II.)	No. 8, 1917	23rd March, 1917 ..	1917, p. 541
Commonwealth Employees' Compensation Act 1930	No. 24, 1930	10th November, 1930	1930, p. 2230
<i>Commonwealth Housing Act 1927</i>	No. 35, 1927	9th June, 1928 ..	1928, p. 1083
Commonwealth Public Service Act 1902	No. 5, 1902	1st January, 1903 ..	1902, p. 651
Commonwealth Public Service Act 1922	No. 21, 1922	19th July, 1923 ..	1923, p. 1035
Commonwealth Public Service Act 1924	No. 46, 1924	15th November, 1924	1924, p. 2715
Commonwealth Public Service Act (No. 2) 1945†	No. 43, 1945		
Commonwealth Shipping Act 1923	No. 3, 1923	1st September, 1923	1923, p. 1217
Commonwealth Workmen's Compensation Act 1912	No. 29, 1912	5th February, 1913..	1913, p. 167
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Customs Act 1901 ..	No. 6, 1901	4th October, 1901 ..	1901, p. 165
Customs Act 1920 ..	No. 41, 1920	11th November, 1920	1920, p. 2097
Customs Tariff 1923 ..	No. 22, 1923	13th September, 1923	1923, p. 2111
Customs Tariff (No. 6) 1939	No. 62, 1939	1st January, 1940 ..	1939, p. 2773
Customs Tariff (Canadian Preference) 1931	No. 13, 1931	3rd August, 1931 ..	1931, p. 1269

* Parts I., II., III., IV., V., VI., VII., VIII., IX., XII., XIII. and XIV. of the *Commonwealth Bank Act 1945* were proclaimed to commence on the 21st August, 1945. (*See Gazette*, 20th August, 1945, p. 1795.) Parts X. and XI. were proclaimed to commence on 2nd January, 1946. (*See Gazette*, 1945, p. 2775.)

† Some of the provisions of this Act were proclaimed to commence on the first date specified, and the remaining provisions were brought into operation on the later dates.

‡ Sections 1, 8 to 12, (both inclusive), 15, 17 and 18 of this Act were proclaimed to commence on 1st May, 1946 (*Gazette*, 1946, p. 771).

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of Gazette in which Proclamation appears.
Customs Tariff (Exchange Adjustment) Act (No. 4) 1939	No. 63, 1939	1st January, 1940 ..	1939, p. 2773
Customs Tariff (Newfoundland Preference) 1939	No. 50, 1939	14th December, 1939	1939, p. 2751
Customs Tariff (New Zealand Preference) 1922	No. 3, 1922	1st September, 1922	1922, p. 1295
Customs Tariff (New Zealand Preference) 1933	No. 26, 1933	1st December, 1933..	1933, p. 1649
Customs Tariff (New Zealand Preference) 1934	No. 2, 1934	3rd July, 1934 ..	1934, p. 999
Customs Tariff (Papua and New Guinea Preference) 1936	No. 84, 1936	21st December, 1936	1936, p. 2277
Customs Tariff (Southern Rhodesian Preference) 1941	No. 13, 1941	10th April, 1941 ..	1941, p. 778
Dairy Produce Act 1933 ..	No. 58, 1933	2nd May, 1934 ..	1934, p. 667
Dairy Produce Export Control Act 1924*	No. 38, 1924	23rd February, 1925	1925, p. 244
Daylight Saving Act 1916 ..	No. 40, 1916	1st January, 1917 ..	1916, p. 3455
Debt Conversion Agreement Act 1931	No. 14, 1931	30th July, 1931 ..	1931, p. 1271
Debt Conversion Agreement Act (No. 2) 1931	No. 52, 1931	15th January, 1932..	1932, p. 48
Defence Act 1903 ..	No. 20, 1903	1st March, 1904 ..	1904, p. 119
Defence Act 1909 ..	No. 15, 1909	1st January, 1911 ..	1910, p. 1571
Defence Act 1939 ..	No. 13, 1939	6th July, 1939 ..	1939, p. 1263
Defence (Civil Employment) Act 1918	No. 17, 1918	26th August, 1918 ..	1918, p. 1689
Defence (Visiting Forces) Act 1939	No. 5, 1939	1st June, 1940 ..	1940, p. 1193
Designs Act 1906 ..	No. 4, 1906	1st January, 1907 ..	1907, p. 1
Development and Migration Act 1926	No. 29, 1926	1st October, 1926 ..	1926, p. 1583
Development and Migration Act 1930	No. 11, 1930	1st July, 1930 ..	1930, p. 1241
Distillation Act 1901 ..	No. 8, 1901	7th October, 1901 ..	1901, p. 167
Dried Fruits Export Control Act 1924†	No. 40, 1924	6th February, 1925..	1925, p. 189
Economic Research Act 1929	No. 9, 1929		
Entertainments Tax Act 1918	No. 25, 1918	12th November, 1918	1918, p. 2195
Entertainments Tax Act 1919	No. 11, 1919	1st December, 1919	1919, p. 1785
Entertainments Tax Act 1925	No. 23, 1925	15th October, 1925 ..	1925, p. 1551
Entertainments Tax Act 1942	No. 42, 1942	1st October, 1942 ..	1942, p. 2351
Entertainments Tax Act 1944	No. 7, 1944	1st May, 1944 ..	1944, p. 914
Entertainments Tax Assessment Act 1942	No. 41, 1942	1st October, 1942 ..	1942, p. 2351
Excise Act 1901 ..	No. 9, 1901	7th October, 1901 ..	1901, p. 167
Excise Tariff 1913 ..	No. 6, 1913	11th December, 1913	1913, p. 3169
Financial Agreement Act 1944	No. 46, 1944	28th December, 1944	1944, p. 2859
Financial Emergency Act 1931‡	No. 10, 1931	20th July, 1931 ..	1931, p. 1195
Financial Emergency Act 1932§	No. 35, 1932		

* Sections 1, 2, 5, and 30 of the *Dairy Produce Export Control Act* 1924 commenced on the date of the Royal assent, and the remaining sections commenced on the date fixed by Proclamation.

† Sections 1, 2, 5, and 29 of the *Dried Fruits Export Control Act* 1924 commenced on the date of the Royal assent, and the remaining sections commenced on the date fixed by Proclamation.

‡ Part I. of the *Financial Emergency Act* 1931 commenced on the date of the Royal assent; the remaining Parts and sections were proclaimed to commence on the 20th July, 1931. (*See Gazette*, 17th July, 1931, p. 1195.)

§ Section 2 of the *Financial Emergency Act* 1932 provides that the several sections of the Act, other than Sections 1 and 2 (which shall commence on the date on which the Act receives the Royal assent), shall commence on such dates as are respectively fixed by Proclamation. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 19 and 20, were proclaimed to commence on 5th October, 1932, and sections 12, 13, 14, 15, 16, 17 and 18 on 12th October, 1932. (*See Gazette*, 4th October, 1932, p. 1277.)

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of Gazette in which Proclamation appears.
Financial Relief Act 1933* ..	No. 17, 1933	27th October, 1933..	1933, p. 1487
Extradition Act 1903 ..	No. 12, 1903	16th July, 1904 ..	1904, p. 837
<i>Fresh Fruits Overseas Marketing Act 1927†</i>	No. 22, 1927		
Gold Bounty Act 1930 ..	No. 75, 1930	1st January, 1931 ..	1930, p. 2611
Hospital Benefits Act 1945 ..	No. 47, 1945	6th December, 1945..	1945, p. 2660
Immigration Restriction Amendment Act 1905	No. 17, 1905	1st February, 1906 ..	1906, p. 96
Income Tax Act 1943 ..	No. 11, 1943	1st April, 1943 ..	1943, p. 717
Income Tax Assessment Act 1943‡	No. 10, 1943		
Insurance Act 1932 ..	No. 4, 1932	23rd March, 1932 ..	1932, p. 387
Invalid and Old-age Pensions Act 1908§	No. 17, 1908	15th April, 1909 ..	1909, p. 921
Invalid and Old-age Pensions Act 1916	No. 32, 1916	2nd October, 1916 ..	1916, p. 2705
Invalid and Old-age Pensions Act 1917	No. 22, 1917	27th September, 1917	1917, p. 2554
Invalid and Old-age Pensions Act 1920	No. 53, 1920	13th January, 1921 ..	1920, p. 2301
Invalid and Old-age Pensions Act 1923	No. 15, 1923	13th September, 1923	1923, p. 1829
Invalid and Old-age Pensions Act 1926	No. 44, 1926	7th October, 1926 ..	1926, p. 1661
Invalid and Old-age Pensions Act 1928	No. 31, 1928	4th October, 1928 ..	1928, p. 2723
Invalid and Old-age Pensions Act 1931	No. 46, 1931	12th November, 1931	1931, p. 1820
Invalid and Old-age Pensions (Reciprocity with New Zealand) Act 1943	No. 36, 1943	1st September, 1943	1943, p. 1996
Jervis Bay Territory Acceptance Act 1915	No. 19, 1915	4th September, 1915	1915, p. 1710
Judiciary Act 1927||	No. 9, 1927		
Lands Acquisition Act 1906..	No. 13, 1906	1st July, 1907 ..	1907, p. 903
Life Insurance Act 1945 ..	No. 28, 1945		
Lighthouses Act 1911¶	No. 14, 1911	1st July, 1915 ..	1915, p. 1183
London Naval Treaty Act 1930**	No. 44, 1930		
Marine Insurance Act 1909..	No. 11, 1909	1st July, 1910 ..	1910, p. 993

* Parts I. and IV. of the *Financial Relief Act 1933* except section 18, commenced on the date of the Royal assent; the remaining Parts and sections of the Act, except where otherwise provided, were proclaimed to commence on the 27th October, 1933. (*See Gazette*, 26th October, 1933, p. 1487.)

† Sections 1, 2, 6, and 30 of the *Fresh Fruits Overseas Marketing Act 1927* commenced on the date of the Royal assent, and the remaining sections are to commence on a date to be fixed by Proclamation. At the poll of growers taken under section 2 of the Act, a majority of the growers was not in favour of the Act being brought into operation. (*See Gazette* 1927 p. 2111.) This Act has since been repealed by the *Statute Law Revision Act 1934* (No. 45 1934).

‡ Sub-section (2.) of section 2 of the *Income Tax Assessment Act 1943* provides:—

“(2.) Section seventeen of this Act, and section seventy-six of this Act (insofar as it inserts sections two hundred and fifty-one I. and two hundred and fifty-one O in the Principal Act) shall come into operation on a date to be fixed by proclamation.”

These sections were proclaimed to come into operation on 1st July, 1943. (*See Gazette*, 1943, p. 1289.)

§ Part IV. of the *Invalid and Old-age Pensions Act 1908-1909* was brought into operation on 19th November 1910. (*See Gazette* 19th November, 1910, p. 1765.)

|| The *Judiciary Act 1927* was proclaimed to commence on the 2nd September, 1929 (*see Gazette*, 1929, p. 1854) and the date of the repeal of section 8 of the *Seat of Government Acceptances Act 1909* and section 11 of the *Seat of Government (Administration) Act 1910* is fixed by Proclamation as the 25th November, 1930 (*see* sections 7 and 8 of the *Judiciary Act 1927* and *Gazette*, 1930, p. 2371).

¶ Section 2 of the *Lighthouses Act 1915* provides that that Act shall be deemed to commence on the day upon which the *Lighthouses Act 1911* is proclaimed to commence.

** Sections 1 and 3 of the *London Naval Treaty Act 1930* commenced on the date of the Royal assent and the remaining section is to commence on a date to be fixed by Proclamation.

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of Gazette in which Proclamation appears.
Maternity Allowance Act 1912	No. 8, 1912	10th October, 1912 ..	1912, p. 2261
<i>Meat Industry Encouragement Act 1924</i>	No. 55, 1924	11th March, 1925 ..	1925, p. 367
Meat Export Control Act 1935	No. 52, 1935	2nd January, 1936 ..	1936, p. 1
Motor Industry Bounty Act 1938	No. 54, 1938	7th December, 1938..	1938, p. 2793
National Debt Sinking Fund Act 1928	No. 19, 1928	6th September, 1928	1928, p. 2563
National Health and Pensions Insurance Act 1938*	No. 25, 1938		
National Health and Pensions Insurance (Employees' Contributions) Act 1938†	No. 27, 1938	4th September, 1939	1939, p. 1
National Health and Pensions Insurance (Employers' Contributions) Act 1938†	No. 26, 1938	4th September, 1939	1939, p. 1
Nationality Act 1920 ..	No. 48, 1920	1st January, 1921 ..	1921, p. 1
Nationality Act 1936 ..	No. 62, 1936	1st April, 1937 ..	1937, p. 503
Naturalization Act 1903 ..	No. 11, 1903	1st January, 1904 ..	1903, p. 833
Nauru Island Agreement Act 1919	No. 8, 1919	28th October, 1920..	1920, p. 2004
Naval Properties Transfer Act 1925	No. 19, 1925		
Navigation Act 1912‡	No. 4, 1913		
Navigation Act 1919 ..	No. 32, 1919	23rd December, 1919	1919, p. 2483

* Part I. and Part II. of the *National Health and Pensions Insurance Act 1938* were proclaimed to commence on 6th July 1938. (*See Gazette*, 1938, p. 1835.) Division I of Part VII. and section 192 were proclaimed to commence on 16th December, 1938. (*See Gazette*, 1938, p. 2835.) The remaining Parts, sections and Schedules were proclaimed to commence on 4th September, 1939 (*see Gazette*, 1939, p. 2), but the Proclamation was annulled by the *National Health and Pensions Insurance Act 1939* (No. 8 1939).

† The Proclamation fixing the date of commencement of this Act was annulled by the *National Health and Pensions Insurance Act 1939* (No. 8 1939).

‡ Certain sections only of the *Navigation Act 1912* were proclaimed to commence on 2nd March, 1920, but this proclamation was annulled by s. 3 of the *Navigation Act 1920*.

The following sections of the *Navigation Act 1912-1935* have since been proclaimed to commence on the undermentioned dates:—

Sections 1, 1A, 2, 3, 6-10, 14, 43, 44, 47A, 50, 77, 85, 88, 91, 92, 122A, 132, 135-138, 187, 204A, 250-205A, 269A, 284-293, 317A, 378-380, 384, 386, 387, 389, 391-396, 399-405, 407, 410A, 413, 414, 416, 418A, 422, 423, 423A, 424, 425 and Schedules I, II, IV, and V.—

To commence on 1st July, 1921. *See Gazette*, 1921, p. 489.

Sections 123 and 231.—

To commence on 1st October, 1921. *See Gazette*, 1921, pp. 489 and 1230.

Sections 11-13, 26, 28-42, 45-47, 48, 49, 51-70, 78-84, 86, 87, 89, 90, 93, 94, 99-115, 127-131, 133, 134, 139, 140, 142-148, 164-170, 177-186, 388, 390, 397, 398, 406, 410, 411, 412, 415, 417, 418 and 419.—

To commence on 1st March, 1922. *See Gazette*, 1921, p. 1377 and 1922, p. 67.

Sections 116-120, 122, 124-126, 149-163, 294-317, 318-329, 381, 382, 383, 385, 408, 409 and Schedule III.—

To commence on 1st February, 1923. *See Gazette*, 1922, p. 2757.

Section 235.—

To commence on 1st March, 1923. *See Gazette*, 1923, p. 280.

Sections 4, 5, 15-25, 27, 187A, 188-201, 201A, 202-204, 205, 206, 206A, 207-217, 217A, 218-230, 232-234, 248-258, 258A, 268, 269, Part V. (sections 270-283), Part IX. (sections 356-367 and 369-377), sections 420 and 421.—

To commence on 1st October, 1923. *See Gazette*, 1923, p. 900.

Sections 293A and 422A.—

To commence on 31st August, 1925. *See Gazette*, 1925, p. 1285.

Sections 40A, 40B, 46A, 187A, 191, 191A, 191B, 192A, 215, 229, 230, 253A, 258B, 265, 351 and Schedules VI. and VII.—

To commence on 15th April, 1935. *See Gazette*, 1935, pp. 502, 533 and 536.

Section 231A.—

To commence on 1st October, 1935. *See Gazette*, 1935, p. 997.

Sections 218, 218A, 219, 219A, 219B, 219C, 220, 220A, 221, 221A, 222, 222A, 223, 223A, 224, 224A, 225, 225A, 226, 226A and 227.—

To commence on 30th March 1936. *See Gazette*, 1935, p. 1060.

Sections 197A, 198A, 206B, 206C, 206D, 206E, 206F, 206G, 206H, 216 and 216A.—

To commence on 31st October, 1935. *See Gazette*, 1935, p. 1225.

The remaining sections have not yet been proclaimed to commence.

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of Gazette in which Proclamation appears.
Navigation Act 1920 ..	No. 1, 1921	21st March, 1921 ..	1921, p. 445
Navigation Act 1925 ..	No. 8, 1925	24th August, 1925 ..	1925, p. 1281
Navigation Act 1926 ..	No. 8, 1926	3rd March, 1926 ..	1926, p. 287
Navigation Act 1935 ..	No. 30, 1935	1st October, 1934 ..	1935, p. 997
Navigation Act 1942 ..	No. 1, 1943	17th February, 1943	1943, p. 469
Navigation (Maritime Conventions) Act 1934	No. 49, 1934	24th December, 1934	1934, p. 2557
New Guinea Act 1920 ..	No. 25, 1920	9th May, 1921 ..	1921, p. 639
New Guinea Act 1932 ..	No. 51, 1932	2nd May, 1933 ..	1933, p. 589
Newsprinting Paper Bounty Act 1938	No. 64, 1938		
New Zealand Re-exports Act 1924	No. 21, 1924	1st October, 1925 ..	1925, p. 923
Norfolk Island Act 1913 ..	No. 15, 1913	1st July, 1914 ..	1914, p. 1043
Norfolk Island Act 1935 ..	No. 14, 1935	21st June, 1935 ..	1935, p. 865
Northern Australia Act 1926	No. 16, 1926	1st February, 1927 ..	1927, p. 137
Northern Australia Survey Act 1934	No. 61, 1934	31st May, 1935 ..	1935, p. 755
Northern Territory Acceptance Act 1910*	No. 20, 1910	1st January, 1911 ..	1910, p. 1901
Northern Territory Acceptance Act 1919	No. 24, 1919	1st January, 1920 ..	1919, p. 2486
Northern Territory (Administration) Act 1931	No. 5, 1931	12th June, 1931 ..	1931, p. 931
Northern Territory (Administration) Act (No. 2) 1940	No. 87, 1940	12th June, 1941 ..	1941, p. 1255
Northern Territory Representation Act 1922	No. 18, 1922	11th October, 1922 ..	1922, p. 1787
Officers' Rights Declaration Act 1928	No. 16, 1928	28th June, 1928 ..	1928, p. 2058
Oodnadatta to Alice Springs Railway Act 1926	No. 3, 1926	22nd March, 1926 ..	1926, p. 390
Papua Act 1905 ..	No. 9, 1905	1st September, 1906	1906, p. 1141
Papua-New Guinea Provisional Administration Act 1945	No. 20, 1945	30th October, 1945 ..	1945, p. 2245
Passports Act 1938 ..	No. 15, 1938	1st July, 1939 ..	1939, p. 993
Patents Act 1903 ..	No. 21, 1903	1st June, 1904 ..	1904, p. 441
Patents Act 1930 ..	No. 76, 1930	2nd February, 1931 ..	1931, p. 76
Patents, Trade Marks and Designs Act 1910	No. 19, 1910	1st April, 1911 ..	1911, p. 881
Pearl-shell Overseas Marketing Act 1927†	No. 13, 1927		
Pharmaceutical Benefits Act 1944	No. 11, 1944		
Port Augusta to Port Pirie Railway Act 1935‡	No. 72, 1935		
Port Augusta to Red Hill Railway Act 1930§	No. 77, 1930		

* By section 2 of the *Northern Territory (Administration) Act* 1910 that Act commenced on the date on which the *Northern Territory Acceptance Act* 1910 was proclaimed to commence.

† Sections 1, 2, 5, and 29 of the *Pearl-shell Overseas Marketing Act* 1927 commenced on the date of the Royal Assent, and the remaining sections are to commence on the date fixed by Proclamation. This Act has since been repealed by the *Statute Law Revision Act* 1934 (No. 45, 1934).

‡ Section 2 of the *Port Augusta to Port Pirie Railway Act* 1935 provides that Part I. of the Act shall commence on the day the Act receives the Royal Assent and the remaining Parts shall commence on such dates as are respectively fixed by Proclamation. Parts II and IV. were proclaimed to commence on 20th December, 1935 (*see Gazette* 19th December 1935, p. 1953) and Part III. on 23rd December, 1935 (*see Gazette*, 20th December, 1935 p. 1997).

§ Section 2 of the *Port Augusta to Red Hill Railway Act* 1930 provides that the Act shall commence on a date to be fixed by Proclamation. This section was repealed by section 2 of the *Port Augusta to Red Hill Railway Act* 1935 (No. 25, 1935). Both of the Acts have since been repealed by the *Port Augusta to Port Pirie Railway Act* 1935 (No. 72, 1935).

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF
WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of Gazette in which Proclamation appears.
Post and Telegraph Rates Act 1902	No. 13, 1902	1st November, 1902	1902, p. 503
Post and Telegraph Rates Act 1918	No. 24, 1918	28th October, 1918..	1918, p. 2075
Post and Telegraph Rates Act 1920	No. 27, 1920	1st October, 1920 ..	1920, p. 1285
Post and Telegraph Rates Act 1923	No. 16, 1923	1st October, 1923 ..	1923, p. 1831
Post and Telegraph Rates Act 1930	No. 20, 1930	4th August, 1930 ..	1930, p. 1647
Post and Telegraph Rates Act 1931	No. 1, 1931	16th April, 1931 ..	1931, p. 457
Post and Telegraph Rates Act 1940	No. 23, 1940	10th June, 1940 ..	1940, p. 1227
Post and Telegraph Rates Act 1941	No. 54, 1941	10th December, 1941	1941, p. 2716
Postal Rates Act 1910 ..	No. 24, 1910	1st May, 1911 ..	1911, p. 1319
Postal Rates (Defence Forces) Act 1939	No. 48, 1939	18th December, 1939	1939, p. 2759
Primary Produce Export Charges Act 1935	No. 69, 1935	16th December, 1935	1935, p. 1907
Primary Produce Export Charges Act 1937	No. 9, 1937	15th November, 1937	1937, p. 1962
Primary Produce Export Charges Act 1938	No. 60, 1938	15th January, 1940..	1940, p. 85
Primary Produce Export . Organization Act 1935	No. 71, 1935	16th December, 1935	1935, p. 1907
Quarantine Act 1908 ..	No. 3, 1908	1st July, 1909 ..	1909, p. 1175
<i>Raw Cotton Bounty Act 1934</i>	No. 22, 1934	1st February, 1935 ..	1935, p. 93
Re-establishment and Employment Act 1945	No. 11, 1945	27th August, 1945 ..	1945, p. 1859
River Murray Waters Act 1915	No. 46, 1915	31st January, 1917..	1917, p. 1
<i>River Murray Waters Act 1920</i>	No. 56, 1920	*	
River Murray Waters Act 1923	No. 20, 1923	16th November, 1923	1923, p. 2209
River Murray Waters Act 1934	No. 11, 1934	23rd November, 1934	1934, p. 1909
Rules Publication Act 1916	No. 16, 1916	1st July, 1916 ..	1916, p. 1364
<i>Sales Tax Assessment (Fiji Imports) Act 1934</i>	No. 62, 1934	17th January, 1935..	1935, p. 57
<i>Sales Tax Assessment (New Zealand Imports) Act 1933</i>	No. 25, 1933	1st December, 1933..	1933, p. 1649
<i>Sanctions Act 1935†</i> ..	No. 48, 1935		
Science and Industry Research Act 1945	No. 25, 1945		
Sea-Carriage of Goods Act 1924	No. 22, 1924	1st January, 1925 ..	1924, p. 2125
Seamen's Compensation Act 1909	No. 29, 1909	1st March, 1910 ..	1910, p. 669
Seamen's Compensation Act 1911	No. 13, 1911	15th February, 1912	1912, p. 215
Seat of Government Acceptance Act 1909†	No. 23, 1909	22nd January, 1910	1910, p. 43
Seat of Government Acceptance Act 1922	No. 28, 1922	17th June, 1925 ..	1925, p. 986

* This Act has since been repealed by the *River Murray Waters Act 1923*, s. 4.

† Section 4 only of the *Sanctions Act 1935* is to commence on a date to be fixed by Proclamation. This section was proclaimed to commence on 18th November, 1935. (See *Gazette*, 15th November 1935, p. 1809.) This Act has ceased to have any force or effect. See Proclamation, *Gazette*, 15th July, 1936, p. 1295.

‡ By section 2 of the *Seat of Government (Administration) Act 1910* that Act commenced on the 1st day of January, 1911 (see *Gazette*, 8th December, 1910, p. 1851), that being the day on which the Territory for the Seat of Government became accepted by the Commonwealth.

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF WHICH ARE FIXED BY PROCLAMATION—*continued.*

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of <i>Gazette</i> in which Proclamation appears.
Seat of Government Acceptance Act 1929	No. 10, 1929	21st October, 1929 ..	1929, p. 2221
Seat of Government (Administration) Act 1924	No. 8, 1924	1st January, 1925 ..	1924, p. 2847
Seat of Government (Administration) Act 1926	No. 32, 1926	3rd September, 1926	1926, p. 1449
Seat of Government (Administration) Act 1928	No. 44, 1928	29th December, 1928	1928, p. 3499
Seat of Government (Administration) Act 1930	No. 2, 1930	1st May, 1930 ..	1930, p. 891
Seat of Government (Administration) Act 1931	No. 9, 1931	17th August, 1931 ..	1931, p. 1311
Ship Bounty Act 1939 ..	No. 45, 1939	1st January, 1940 ..	1939, p. 2773
Spirits Act 1906 ..	No. 21, 1906	1st January, 1907 ..	1907, p. 1
States Grants (Entertainments Tax Reimbursement) Act 1942	No. 43, 1942	1st October, 1942 ..	1942, p. 2351
Sugar Bounty Abolition Act 1912	No. 26, 1912	26th July, 1913 ..	1913, p. 1785
<i>Sugar Bounty Act</i> 1913* ..	No. 7, 1913	11th December, 1913	1913, p. 3169
Sugar Excise Repeal Act 1912	No. 25, 1912	26th July, 1913 ..	1913, p. 1785
<i>Sulphur Bounty Act</i> 1923 ..	No. 21, 1923	13th September, 1923	1923, p. 1858
Superannuation Act 1922 ..	No. 33, 1922	20th November, 1922	1922, p. 2067
Superannuation Act 1924 ..	No. 45, 1924	23rd October, 1924 ..	1924, p. 2043
Superannuation Act 1942 ..	No. 53, 1942	2nd November, 1942	1942, p. 2569
Surplus Revenue Act 1908 ..	No. 15, 1908	13th June, 1908 ..	1908, p. 973
Tariff Board Act 1921 ..	No. 21, 1921	15th March, 1922 ..	1922, p. 385
Tariff Board Act 1923 ..	No. 25, 1923	1st March, 1924 ..	1924, p. 405
Taxation of Loans Act 1923†	No. 30, 1923		
Therapeutic Substances Act 1937	No. 22, 1937		
Trade Agreement (Brazil) Act 1939	No. 83, 1939	1st January, 1940 ..	1939, p. 2774
Trade Agreement (Greece) Act 1940	No. 28, 1940	17th June, 1940 ..	1940, p. 1241
Trade Agreement (Newfoundland) Act 1939	No. 49, 1939	14th December, 1939	1939, p. 2751
Trade Agreement (Southern Rhodesia) Act 1941	No. 10, 1941	10th April, 1941 ..	1941, p. 778
Trade Agreement (Switzerland) Act 1938	No. 57, 1938	10th December, 1938	1938, p. 2836
Trade Marks Act 1905 ..	No. 20, 1905	2nd July, 1906 ..	1906, p. 783
Trading with the Enemy Act 1916	No. 20, 1916	1st September, 1916	1916, p. 1757
Transport Workers Act 1929	No. 3, 1929	1st July, 1929 ..	1929, p. 1393
Treaties of Washington Act 1922	No. 4, 1922		
Tuberculosis Act 1945 ..	No. 46, 1945	6th January, 1946 ..	1945, p. 2701
Tyre Cord Bounty Act 1939	No. 75, 1939		
Unemployment and Sickness Benefits Act 1944	No. 10, 1944	1st July, 1945 ..	1945, p. 1354
War Service Homes Act 1918	No. 43, 1918	6th March, 1919 ..	1919, p. 377
Whaling Act 1935 ..	No. 62, 1935	24th August, 1936 ..	1936, p. 1551

* This Act has since been repealed by the *Statute Law Revision Act* 1934 (No. 45, 1934)

† Sections 1-3 and 5 of the *Taxation of Loans Act* 1923 commenced on the date of the Royal assent, the remaining section (section 4) is to commence on a date to be fixed by Proclamation.

ALPHABETICAL TABLE OF ACTS, THE DATES FOR THE COMMENCEMENT OF
WHICH WERE FIXED BY PROCLAMATION—*continued*.

Short Title.	Number and Year.	Proclaimed Date of Commencement.	Year and Page of <i>Gazette</i> in which Proclamation appears.
<i>Wheat Advances Act</i> 1930* ..	No. 78, 1930		
Wheat and Wheat Products Act 1935	No. 65, 1935		
Wine Overseas Marketing Act 1929†	No. 6, 1929	21st June, 1929 ..	1929, p. 1445
Wool (Contributory Charge) Assessment Act 1945	No. 50, 1945		
Wool Realization Act 1945 ..	No. 49, 1945		

* Sections 1-12 and 16 and 17 of the *Wheat Advances Act* 1930 commenced on the date of the Royal assent and the remaining sections are to commence on a date to be fixed by Proclamation. This Act has since been repealed by the *Statute Law Revision Act* 1934 (No. 45, 1934).

† Sections 1, 2, 6 and 30 of the *Wine Overseas Marketing Act* 1929 commenced on the date of the Royal assent and the remaining sections commenced on the date fixed by Proclamation.

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945 SHOWING HOW THEY ARE AFFECTED BY ACTS PASSED DURING THE YEARS 1944 AND 1945.*

NOTE.—Short titles of Acts not now in force are printed in italics.

ABBREVIATIONS.

In this Table—

“ad.” signifies “added”.

“am.” signifies “amended”.

“amended” signifies that the operation of one or more sections of the Act has been affected.

“rep.” signifies “repealed”.

“rs.” signifies “repealed and fresh section substituted”.

Number and Year.	Short Title.	How affected.	Act by which affected.
No. 11, 1901	Service and Execution of Process Act 1901	Sec. 11 am. ..	No. 22, 1945
No. 20, 1903	Defence Act 1903 ..	Sec. 40A am. .. Sec. 40B rep. .. Sec. 118A affected ..	No. 11, 1945 No. 11, 1945 No. 11, 1945
No. 9, 1905	Papua Act 1905	Operation of Secs. 10–15, 17, 18, 22–43, 46, 47 and 50, suspended	No. 20, 1945
No. 12, 1905	<i>Life Assurance Companies Act 1905</i>	Repealed ..	No. 28, 1945
No. 17, 1908	Invalid and Old-age Pension Act 1908	Sec. 4 am. Sec. 23 renumbered 23AA Sec. 23F am. .. Sec. 24 am. .. am. .. Sec. 31 am. .. am. .. Sec. 37 am. .. Sec. 46 am. .. Sec. 47 am. .. am. .. Sec. 47A rep. .. Sec. 51 rs. .. Sec. 53 rs. ..	No. 16, 1944 No. 16, 1944 No. 16, 1944 No. 16, 1944 No. 7, 1945 No. 16, 1944 No. 7, 1945 No. 16, 1944 No. 16, 1944 No. 16, 1944 No. 16, 1944 No. 7, 1945 No. 16, 1944 No. 16, 1944 No. 41, 1945
No. 22, 1909	High Commissioner Act 1909	Sec. 9A ad. ..	No. 54, 1945
No. 14, 1910	<i>Bank Notes Tax Act 1910</i> ..	Repealed ..	No. 13, 1945
No. 3, 1911	Statutory Declarations Act 1911	Sec. 5 am. .. Sec. 7 am. .. Schedule am. ..	No. 25, 1944 No. 25, 1944 No. 25, 1944
No. 18, 1911	<i>Commonwealth Bank Act 1911</i>	Repealed ..	No. 13, 1945
No. 20, 1911	Commonwealth Inscribed Stock Act 1911	Sec. 2 am. .. Sec. 3 am. .. Sec. 4 am. .. Sec. 20A rep. .. Sec. 27 rs. .. Sec. 29 am. .. Division 4 of Part III. rev.	No. 26, 1945 No. 26, 1945 No. 26, 1945 No. 26, 1945 No. 26, 1945 No. 26, 1945 No. 26, 1945

* Complete Chronological Tables of Acts passed from 1901 onwards showing how they are affected by subsequent legislation or lapse of time will be found in all previous annual volumes of Acts up to and including Volume XLI. (1943).

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945, ETC.—
continued.

[illegible]

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945, ETC.—
continued.

Number and Year.	Short Title.	How affected.	Act by which affected.
No. 37, 1924	Bankruptcy Act 1924 ..	Sec. 18BA ad. .. Sec. 18BB ad. .. Sec. 155 am. .. Sec. 203 ad. .. Repealed.. ..	No. 42, 1945 No. 42, 1945 No. 42, 1945 No. 42, 1945 No. 13, 1945
No. 16, 1925	<i>Commonwealth Bank (Rural Credits) Act 1925</i>		
No. 35, 1927	<i>Commonwealth Housing Act 1927</i>	Repealed.. ..	No. 13, 1945
No. 36, 1927	<i>Commonwealth Bank (Savings Bank) Act 1927</i>	Repealed.. ..	No. 13, 1945
No. 5, 1928	Financial Agreement Act 1928	Affected ..	No. 46, 1944
No. 10, 1928	<i>Commonwealth Housing Act 1928</i>	Repealed.. ..	No. 13, 1945
No. 6, 1929	Wine Overseas Marketing Act 1929	Sec. 5 am. .. Sec. 9 rs. .. Sec. 10 rs. .. Sec. 11 am. .. Sec. 11A am. .. Sec. 12 am. .. Sec. 22 am. ..	No. 23, 1945 No. 23, 1945 No. 23, 1945 No. 23, 1945 No. 23, 1945 No. 23, 1945 No. 23, 1945
No. 31, 1929	<i>Commonwealth Bank Act 1929</i>	Repealed.. ..	No. 13, 1945
No. 5, 1930	Solar Observatory Fund Act 1930	Title am... .. Sec. 2 am. .. Sec. 3 am. .. Sec. 5 am. .. Sec. 9 rs. .. Sec. 11 am. ..	No. 41, 1944 No. 41, 1944 No. 41, 1944 No. 41, 1944 No. 41, 1944 No. 41, 1944
No. 16, 1930	Forestry Bureau Act 1930 ..	Sec. 2 am. .. Sec. 12A ad. .. Sec. 12B ad. .. Sec. 12C ad. .. Sec. 13 am. .. Sec. 4 am. ..	No. 13, 1944 No. 13, 1944 No. 13, 1944 No. 13, 1944 No. 13, 1944 No. 8, 1944
No. 24, 1930	Commonwealth Employees' Compensation Act 1930	Sec. 4A ad. .. Sec. 9 am. .. Sec. 9A ad. .. Sec. 10 am. .. Sec. 11 rs. .. Sec. 12 am. .. Sec. 13 am. .. Sec. 19 am. .. Sec. 23 am. .. First Schedule am. Second Schedule rs. Third Schedule rs...	No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944 No. 8, 1944
No. 6, 1931	<i>Commonwealth Bank Act 1931</i>	Repealed.. ..	No. 13, 1945
No. 4, 1932	Insurance Act 1932 ..	Affected ..	No. 28, 1945
No. 16, 1932	<i>Commonwealth Bank Act 1932</i>	Repealed.. ..	No. 13, 1945
No. 34, 1933	Seat of Government Supreme Court Act 1933	Sec. 5 am. .. Sec. 8 am. .. Sec. 8A ad. .. Sec. 8B ad. .. Sec. 6A ad. .. First Schedule am. Second Schedule am. Third Schedule am.	No. 57, 1945 No. 57, 1945 No. 57, 1945 No. 57, 1945 No. 36, 1945 No. 31, 1944 No. 36, 1945 No. 36, 1945
No. 60, 1935	Sales Tax Exemptions Act 1935		
No. 23, 1936	Wool Tax Act 1936 ..	Sec. 4 rs. .. Sec. 5 rep. .. Schedule rs. .. Affected ..	No. 2, 1945 No. 2, 1945 No. 2, 1945 No. 50, 1945

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945 ETC.—
continued.

Number and Year.	Short Title.	How affected.	Act by which affected
No 24, 1936	<i>Wool Publicity and Research Act 1936</i>	Repealed.. ..	No. 3, 1945
No. 27, 1936	<i>Income Tax Assessment Act 1936</i>	Sec. 2 am. ..	No. 4, 1945
		Sec. 5 am. ..	No. 3, 1944
		Sec. 6 am. ..	No. 3, 1944
		Sec. 16 am. ..	No. 28, 1944
		Sec. 17 am. ..	No. 4, 1945
		am. ..	No. 37, 1945
		Sec. 23 am. ..	No. 3, 1944
		am. ..	No. 4, 1945
		Sec. 36 am. ..	No. 4, 1945
		Sec. 51A ad. ..	No. 4, 1945
		Secs. 53A-53E ad. ..	No. 28, 1944
		Sec. 60 am. ..	No. 3, 1944
		am. ..	No. 4, 1945
		Sec. 62 rs. ..	No. 4, 1945
		Sec. 66 rs. ..	No. 3, 1944
		Sec. 72A am. ..	No. 4, 1945
		Sec. 72B am. ..	No. 28, 1944
		Sec. 78 am. ..	No. 3, 1944
		am. ..	No. 4, 1945
		Sec. 79 ad. ..	No. 3, 1944
		Sec. 79A ad. ..	No. 4, 1945
		Sec. 80 am. ..	No. 3, 1944
		Sec. 81 am. ..	No. 3, 1944
		Sec. 83 am. ..	No. 4, 1945
		Sec. 102AA am. ..	No. 4, 1945
		Sec. 103 am. ..	No. 3, 1944
		am. ..	No. 37, 1945
		Sec. 109A am. ..	No. 3, 1944
		Sec. 160 am. ..	No. 28, 1944
		am. ..	No. 4, 1945
		Sec. 160AD am. ..	No. 37, 1945
		Sec. 160AE am. ..	No. 37, 1945
		Division 18 of Part III. (Secs. 160AF-160AM) ad.	No. 3, 1944
		Sec. 160A rs. ..	No. 3, 1944
		Sec. 170 am. ..	No. 28, 1944
		Sec. 221A am. ..	No. 3, 1944
		Sec. 221C am. ..	No. 28, 1944
		am. ..	No. 4, 1945
		Sec. 221D am. ..	No. 3, 1944
		Sec. 221F am. ..	No. 3, 1944
		Sec. 221G am. ..	No. 3, 1944
		Sec. 221H rs. ..	No. 3, 1944
		Sec. 221HA rs. ..	No. 3, 1944
		Sec. 221K rs. ..	No. 3, 1944
		Sec. 221KA ad. ..	No. 3, 1944
		Sec. 221KB ad. ..	No. 3, 1944
		am. ..	No. 4, 1945
		Sec. 221KC ad. ..	No. 3, 1944
		Sec. 221KD ad. ..	No. 3, 1944
		Sec. 221KE ad. ..	No. 28, 1944
		Sec. 221L am. ..	No. 3, 1944
		Sec. 21M am. ..	No. 3, 1944
		Sec. 221U am. ..	No. 3, 1944
		Sec. 221V am. ..	No. 3, 1944
		Division 3 of Part VI. (Secs. 221YA-221YH) ad.	No. 3, 1944

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945 ETC.—
continued.

Number and Year.	Short Title.	How affected.	Act by which affected.
No. 27, 1936 — <i>continued.</i>	Income Tax Assessment Act 1936— <i>continued.</i>	Sec. 251J am. .. Sec. 251L am. .. Sec. 265A ad. .. am. .. am. .. Sec. 265B ad. .. Heading to Schedule am. Second Schedule ad. Sec. 28 rs. ..	No. 28, 1944 No. 28, 1944 No. 3, 1944 No. 4, 1945 No. 37, 1945 No. 37, 1945 No. 4, 1945 No. 4, 1945 No. 9, 1944
No. 6, 1939	Supply and Development Act 1939		
No. 35, 1939	Tractor Bounty Act 1939 ..	Sec. 4 am. .. Sec. 6 am. .. Sec. 7 am. .. Sec. 12 am. ..	No. 37, 1944 No. 37, 1944 No. 37, 1944 No. 37, 1944
No. 36, 1939	Sulphur Bounty Act 1939 ..	Sec. 3 am. .. Sec. 5 am. .. Sec. 7 am. .. Sec. 12 am. ..	No. 38, 1944 No. 38, 1944 No. 38, 1944 No. 38, 1944
No. 37, 1939	Wire Netting Bounty Act 1939	Sec. 5 am. .. Sec. 7 am. .. Sec. 12 am. ..	No. 39, 1944 No. 39, 1944 No. 39, 1944
No. 44, 1939	Wine Export Bounty Act 1939	Sec. 6 am. ..	No. 14, 1944
No. 69, 1939	<i>Motor Vehicle Engine Bounty Act</i> 1939	Repealed.. ..	No. 1, 1945
No. 84, 1939	Wheat Industry (War-time Control) Act 1939	Sec. 3 am. .. Sec. 6 am. .. Sec. 7 rs. .. Sec. 7A rep. ..	No. 19, 1944 No. 19, 1944 No. 19, 1944 No. 19, 1944
No. 31, 1940	<i>Motor Vehicles Agreement Act</i> 1940	Repealed.. ..	No. 1, 1945
No. 48, 1940	Commonwealth Electoral (War-time) Act 1940	Sec. 5 am. .. Sec. 5A ad. .. Sec. 6 am. .. Sec. 8 am. .. Sec. 10A am. .. Sec. 18A am. .. Sec. 23AA ad. ..	No. 12, 1945 No. 12, 1945 No. 14, 1944 No. 12, 1945 No. 14, 1944 No. 12, 1945 No. 14, 1944
No. 68, 1940	<i>Wheat Tax (War-time) Assessment Act</i> 1940	Repealed.. ..	No. 18, 1944
No. 69, 1940	<i>Wheat Tax (War-time) Act</i> 1940	Repealed.. ..	No. 18, 1944
No. 90, 1940	War-time (Company) Tax Assessment Act 1940	Sec. 24 am. ..	No. 29, 1944
No. 8, 1941	Child Endowment Act 1941	Sec. 13 am. .. Sec. 23 rs. ..	No. 10, 1945 No. 41, 1945
No. 19, 1942	Widows' Pensions Act 1942	Sec. 15 am. .. am. .. Sec. 22 am. .. Sec. 26 am. .. am. .. Sec. 30 am. .. Sec. 35 rep. .. Sec. 36 rep. .. Sec. 41 am. .. Sec. 42 rep. .. Sec. 46 rs. ..	No. 15, 1944 No. 56, 1945 No. 15, 1944 No. 15, 1944 No. 56, 1945 No. 15, 1944 No. 15, 1944 No. 15, 1944 No. 15, 1944 No. 15, 1944 No. 41, 1945
No. 21, 1942	Income Tax (War-time Arrangements) Act 1942	Sec. 7A ad. .. Sec. 9 am. .. Sec. 10 am. ..	No. 32, 1944 No. 32, 1944 No. 32, 1944

CHRONOLOGICAL TABLE OF ACTS PASSED FROM 1901 TO 1945 ETC.—
continued.

Number and Year.	Short Title.	How affected.	Act by which affected.
No. 41, 1942	Entertainments Tax Assessment Act 1942	Sec. 3 am. ..	No. 6, 1944
		Sec. 4 am. ..	No. 6, 1944
		Sec. 10A ad. ..	No. 6, 1944
		Sec. 11 rs. ..	No. 6, 1944
		Sec. 13 am. ..	No. 6, 1944
		Sec. 13A ad. ..	No. 6, 1944
		Sec. 16 rs. ..	No. 6, 1944
		Sec. 16A ad. ..	No. 6, 1944
		Sec. 16B ad. ..	No. 6, 1944
		Sec. 16C ad. ..	No. 6, 1944
		Sec. 16D ad. ..	No. 6, 1944
		Sec. 17 am. ..	No. 6, 1944
		Secs. 18A and 18B in Part III. ad.	No. 6, 1944
		Part III.A (Secs. 18C-18G) ad.	No. 6, 1944
		Sec. 19 am. ..	No. 6, 1944
		Sec. 20 am. ..	No. 6, 1944
		Part IV.A (Secs. 25A-25D) ad.	No. 6, 1944
		Sec. 26A ad. ..	No. 6, 1944
		Sec. 26B ad. ..	No. 6, 1944
		Sec. 26C ad. ..	No. 6, 1944
		Sec. 26D ad. ..	No. 6, 1944
		Sec. 28 am. ..	No. 6, 1944
No. 42, 1942	Entertainments Tax Act 1942	Sec. 5 rs. ..	No. 7, 1944
No. 12, 1943	National Welfare Fund Act 1943	Schedule rs. ..	No. 7, 1944
		Sec. 3 am. ..	No. 41, 1945
No. 13, 1943	<i>Commonwealth Bank Act 1943</i>	Sec. 5 rs. ..	No. 41, 1945
		Sec. 6 am. ..	No. 41, 1945
No. 19, 1943	Commonwealth Employees' Furlough Act 1943	Repealed..	No. 13, 1945
		Sec. 3 am. ..	No. 33, 1944
No. 11, 1944	Pharmaceutical Benefits Act 1944	Sec. 5 am. ..	No. 33, 1944
		Sec. 6 am. ..	No. 33, 1944
		Sec. 9 am. ..	No. 33, 1944
		Sec. 2 rs. ..	No. 35, 1945
		Sec. 9 am. ..	No. 35, 1945
		Sec. 10 rs. ..	No. 35, 1945
		Sec. 11 am. ..	No. 35, 1945
		Sec. 12 am. ..	No. 35, 1945
		Sec. 13 am. ..	No. 35, 1945
		Sec. 18 am. ..	No. 35, 1945
		Sec. 22 rs. ..	No. 35, 1945
No. 43, 1944	States Grants (Drought Relief) Act 1944	Sec. 25 am. ..	No. 35, 1945
		Sec. 3 am. ..	No. 17, 1945
No. 3, 1945	Wool Use Promotion Act 1945	Affected ..	No. 50, 1945
No. 5, 1945	Income Tax Act 1945 ..	Sec. 4 am. ..	No. 38, 1945
		Sec. 6 am. ..	No. 38, 1945
		First Schedule am.	No. 38, 1945
		Second Schedule am.	No. 38, 1945
		Third Schedule am.	No. 38, 1945
		Fourth Schedule am.	No. 38, 1945
		Fifth Schedule am.	No. 38, 1945
No. 7, 1945	Invalid and Old-age Pensions Act 1945	Sixth Schedule am.	No. 38, 1945
		Sec. 1 am. ..	No. 41, 1945
No. 10, 1945	Child Endowment Act 1945	Sec. 1 am. ..	No. 41, 1945
No. 11, 1945	Re-establishment and Employment Act 1945*	Sec. 23 am. ..	No. 29, 1945
		am. ..	No. 43, 1945
No. 41, 1945	National Welfare Fund Act 1945	Sec. 9 am. ..	No. 56, 1945

* This Act has also been amended by the Re-establishment and Employment Regulations (Statutory Rules 1945. No. 1811)

TABLE OF COMMONWEALTH LEGISLATION PASSED DURING THE YEARS 1944 AND 1945 IN RELATION TO THE SEVERAL PROVISIONS OF THE CONSTITUTION.

NOTE.—This Table is designed to group, under the several provisions of the Constitution, the enactments of the Federal Parliament passed by virtue of, or in relation to, these provisions.

Its object is to facilitate reference to all the Commonwealth legislation relating to any particular provision of the Constitution, so that it can be readily ascertained whether and to what extent the legislative power of the Commonwealth has been exercised in relation to that provision or to its subject-matter, and (in the case of those provisions of the Constitution which are expressed to have effect “until the Parliament otherwise provides”) whether any other provision has been made.

The Table does not purport to be either authoritative or exhaustive. Enactments may incidentally derive support from, or relate to, other provisions of the Constitution than those with which they are primarily connected; but no attempt has been made to tabulate other than direct and obvious relations. For instance, almost every enactment made by virtue of a specific legislative power may derive additional support from section 51 (xxxix.); but the only enactments which have been tabulated under that provision are those in which the incidental element appears to preponderate.

A Table of Commonwealth legislation passed from 1901 to 1943 in relation to the several provisions of the Constitution will be found in Volume XLI. of the Commonwealth Acts (1943), p. cxci. A similar table appears in each annual volume of Acts prior to 1943 with references to Acts passed up to the end of the year to which the volume relates.

Section of Constitution.	Commonwealth Act.		Sections of Act.
	Short Title.	Reference.	
Section 8	Qualification of Electors. Commonwealth Electoral (War-time) Act 1944 Commonwealth Electoral (War-time) Act 1945	No. 14, 1944 No. 12, 1945	
Section 9	Elections of Senators.		
10	Method of Choosing Senators. }		
	Commonwealth Electoral (War-time) Act 1944	No. 14, 1944	
	Commonwealth Electoral (War-time) Act 1945	No. 12, 1945	
Section 30	Qualifications of Electors. Commonwealth Electoral (War-time) Act 1944 Commonwealth Electoral (War-time) Act 1945	No. 14, 1944 No. 12, 1945	
Section 51 (i.)	Trade and Commerce. EXTERNAL AND INTER-STATE— Motor Vehicles Manufacture Legislation Repeal Act 1945 Wine Overseas Marketing Act 1945 ..	No. 1, 1945 No. 23, 1945	
Section 51 (ii.)	Taxation. MACHINERY ACTS— Income Tax Assessment Act 1944 .. Entertainments Tax Assessment Act 1944 Income Tax Assessment Act (No. 2) 1944	No. 3, 1944 No. 6, 1944 No. 28, 1944	

**TABLE OF COMMONWEALTH LEGISLATION PASSED DURING THE YEARS 1944
AND 1945 ETC.—continued.**

Section of Constitution.	Commonwealth Act.		Sections of Act.
	Short Title.	Reference.	
Section 51 ii.	Taxation.—continued.		
	MACHINERY ACTS—continued—		
	Sales Tax (Exemptions and Classifications) Act 1944	No. 31, 1944	
	Income Tax (War-time Arrangements) Act 1944	No. 32, 1944	
	Income Tax Assessment Act 1945 ..	No. 4, 1945	
	Sales Tax (Exemptions and Classifications) Act 1945	No. 36, 1945	
	Income Tax Assessment Act (No. 2) 1945	No. 37, 1945	
	Wool (Contributory Charge) Assessment Act 1945	No. 50, 1945	
	TAXING ACTS—		
	Entertainments Tax Act 1944 ..	No. 7, 1944	
	Excise Tariff Rebate Act 1944 ..	No. 21, 1944	
	Income Tax Act 1944 ..	No. 30, 1944	
	Wool Tax Act 1945 ..	No. 2, 1945	
	Income Tax Act 1945 ..	No. 5, 1945	
	Income Tax Act (No. 2) 1945 ..	No. 38, 1945	
	Wool Tax (Contributory Charge) Act 1945	No. 51, 1945	
Section 51 (iii.)	Bounties.		
	Wheat Subsidy Act 1944 ..	No. 17, 1944	
	Tractor Bounty Act 1944 ..	No. 37, 1944	
	Sulphur Bounty Act 1944 ..	No. 38, 1944	
	Wire Netting Bounty Act 1944 ..	No. 39, 1944	
Section 51 (iv.)	Wine Export Bounty Act 1944 ..	No. 45, 1944	
	Borrowing Money.		
	Loan Act 1944 ..	No. 4, 1944	
	Loan Act (No. 2) 1944 ..	No. 36, 1944	
	Loan Act 1945 ..	No. 19, 1945	
	Commonwealth Inscribed Stock Act 1945	No. 26, 1945	
	National Debt Sinking Fund Act 1945 ..	No. 27, 1945	
Section 51 (vi.)	Loan (Housing) Act 1945 ..	No. 45, 1945	
	Naval and Military Defence.		
	GENERAL—		
	Supply and Development Act 1944	No. 9, 1944	
	WAR LEGISLATION—		
	Coal Production (War-time) Act 1944	No. 1, 1944	
	Coal Mines Profits (War-time) Act 1944	No. 2, 1944	
	Wheat Subsidy Act 1944 ..	No. 17, 1944	
	Wheat (War-time) Repeal Act 1944	No. 18, 1944	
	Wheat Industry (War-time Control) Act 1944	No. 19, 1944	
	Aluminium Industry Act 1944 ..	No. 44, 1944	
	Re-establishment and Employment Act 1945	No. 11, 1945	
	War Gratuity Act 1945 ..	No. 16, 1945	
	War Crimes Act 1945 ..	No. 48, 1945	
	War Service Land Settlement Agreements Act 1945	No. 54, 1945	

TABLE OF COMMONWEALTH LEGISLATION PASSED DURING THE YEARS 1944
AND 1945 ETC—*continued.*

Section of Constitution.	Commonwealth Act.		Sections of Act.
	Short Title.	Reference.	
Section 51 (xii.)	Currency, Coinage and Legal Tender. Commonwealth Bank Act 1945 ..	No. 13, 1945	
Section 51 (xiv.)	Insurance. Life Insurance Act 1945 ..	No. 14, 1945 No. 28, 1945	
Section 51 (xvii.)	Bankruptcy and Insolvency. Bankruptcy Act 1945 ..	No. 42, 1945	
Section 51 (xxii.)	Divorce and Matrimonial Causes. Matrimonial Causes Act 1945 ..	No. 22, 1945	
Section 51 (xxiii.)	Invalid and Old-age Pensions. Invalid and Old-age Pensions Act 1944 Invalid and Old-age Pensions Act 1945	No. 16, 1944 No. 7, 1945	
Section 51 (xxix.)	External Affairs. United Nations Relief and Rehabilitation Administration Act 1944 United Nations Food and Agriculture Organization Act 1944 Charter of the United Nations Act 1945	No. 40, 1944 No. 42, 1944 No. 32, 1945	
Section 51 (xxxi.)	Acquisition of Property for Public Purposes. Darwin Lands Acquisition Act 1945 ..	No. 24, 1945	
Section 51 (xxxix.)	Matters Incidental to Execution of Powers. Appropriation and Supply Acts Commonwealth Employees' Compensation Act 1944 Unemployment and Sickness Benefits Act 1944 Pharmaceutical Benefits Act 1944 .. Forestry Bureau Act 1944 .. Widows' Pensions Act 1944 .. Statutory Declarations Act 1944 .. Commonwealth Employees' Furlough Act 1944 Commonwealth Observatory Fund Act 1944 Wool Use Promotion Act 1945 .. Child Endowment Act 1945 .. Superannuation Act 1945 .. Science and Industry Research Act 1945 Superannuation Act (No. 2) 1945 .. Australian National Airlines Act 1945.. Pharmaceutical Benefits Act 1945 .. Social Services Contribution Assessment Act 1945 Social Services Contribution Act 1945.. National Welfare Fund Act 1945 .. Commonwealth and State Housing Agreement Act 1945 Tuberculosis Act 1945 .. Hospital Benefits Act 1945 .. Wool Realization Act 1945 .. Education Act 1945 .. Widows' Pensions Act 1945 ..	No. 8, 1944 No. 10, 1944 No. 11, 1944 No. 13, 1944 No. 15, 1944 No. 25, 1944 No. 33, 1944 No. 41, 1944 No. 3, 1945 No. 10, 1945 No. 15, 1945 No. 25, 1945 No. 30, 1945 No. 31, 1945 No. 35, 1945 No. 39, 1945 No. 40, 1945 No. 41, 1945 No. 44, 1945 No. 46, 1945 No. 47, 1945 No. 49, 1945 No. 55, 1945 No. 56, 1945	

TABLE OF COMMONWEALTH LEGISLATION PASSED DURING THE YEARS 1944
AND 1945 ETC.—*continued*.

Section of Constitution.	Commonwealth Act.		Sections of Act.
	Short Title.	Reference.	
Section 67	Appointment of Officers. Commonwealth Public Service Act 1945 Commonwealth Public Service Act (No. 2) 1945 High Commissioner Act 1945 ..	No. 29, 1945 No. 43, 1945 No. 54, 1945	
Section 96	Financial Assistance to States. States Grants Act 1944 States Grants (Drought Relief) Act 1944 Drought Relief Act 1945 States Grants Act 1945	No. 34, 1944 No. 43, 1944 No. 17, 1945 No. 53, 1945	
Section 105A	Agreement with Respect to State Debts. Financial Agreement Act 1944 ..	No. 46, 1944	
Section 122	Government and Territories. Papua-New Guinea Provisional Admini- stration Act 1945 Seat of Government Supreme Court Act 1945	No. 20, 1945 No. 57, 1945	

ACTS
PASSED BY
THE PARLIAMENT
OF THE
COMMONWEALTH OF AUSTRALIA
DURING THE YEAR
1945.

MOTOR VEHICLES MANUFACTURE
LEGISLATION REPEAL.

No. 1 of 1945.

An Act to repeal the *Motor Vehicle Engine Bounty Act 1939* and *Motor Vehicles Agreement Act 1940*, and for other purposes.

[Assented to 14th May, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Motor Vehicles Manufacture Legislation Repeal Act 1945*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement

3. The *Motor Vehicle Engine Bounty Act 1939** and the *Motor Vehicles Agreement Act 1940*† are repealed. Repeal.

4. Any right or claim which Australian Consolidated Industries Limited may have against the Commonwealth shall not be affected by the repeal effected by the last preceding section, and any such right or claim may be enforced by action or otherwise as if this Act had not been passed. Preservation of rights of Australian Consolidated Industries Limited.

* Act No. 69, 1939.

† Act No. 31, 1940.

WOOL TAX.

No. 2 of 1945.

An Act to amend the *Wool Tax Act* 1936.

[Assented to 18th May, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and
citation.

1.—(1.) This Act may be cited as the *Wool Tax Act* 1945.

(2.) The *Wool Tax Act* 1936* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wool Tax Act* 1936–1945.

Commencement.

2. This Act shall come into operation on the first day of June, One thousand nine hundred and forty-five.

3. Sections four and five of the Principal Act are repealed and the following section is inserted in their stead :—

Rates of tax.

“ 4. The rates of tax shall be the rates specified in the Schedule to this Act.”

The Schedule.

4. The Schedule to the Principal Act is repealed and the following Schedule inserted in its stead :—

“ THE SCHEDULE.

RATES OF TAX.

				<i>s.</i>	<i>d.</i>
For each bale of wool	..	..	..	2	0
For each fadge or butt of wool	..	..	..	1	0
For each bag of wool	..	..	..	0	4”.

Operation of
amendments.

5. The amendments effected by this Act shall apply in respect of wool received or produced by a wool-broker or dealer, or exported, on or after the first day of June, One thousand nine hundred and forty-five.

WOOL USE PROMOTION.

No. 3 of 1945.

An Act to make provision for Improving the Production and Increasing the Use of Wool.

[Assented to 18th May, 1945.]

[Date of commencement, 15th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

1. This Act may be cited as the *Wool Use Promotion Act* 1945. Citation
2. The *Wool Publicity and Research Act* 1936* is repealed. Repeal
3. In this Act, unless the contrary intention appears— Definitions
 - “member” means a member of the Board;
 - “the Board” means the Australian Wool Board constituted under this Act;
 - “the Council” means the Wool Consultative Council constituted under this Act;
 - “the Fund” means the Wool Use Promotion Fund established in pursuance of this Act;
 - “the Minister” means the Minister of State for Commerce and Agriculture;
 - “the Ministers” means the Minister of State for Commerce and Agriculture, the Treasurer, the Minister of State for Post-war Reconstruction and the Minister of State administering the *Science and Industry Research Act* 1926–1945;
 - “the Research Account” means the Wool Research Trust Account established in pursuance of this Act;
 - “wool” means sheep's wool.

4.—(1.) The Minister may appoint a person to be the Commonwealth Wool Adviser on such terms and conditions, and with such remuneration, as the Minister thinks fit. Commonwealth Wool Adviser.

(2.) The Commonwealth Wool Adviser shall have such duties and functions as the Minister from time to time determines.

5. There shall be an Australian Wool Board, which shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued and of holding real and personal property. Australian Wool Board.

* Act No. 24, 1936

Membership
of Board, &c

6.—(1.) The Board shall consist of the Commonwealth Wool Adviser, and six other members representative of Australian wool-growers who shall be appointed by the Governor-General and shall hold office for three years.

(2.) Three members shall be appointed on the nomination of the organization known as the Australian Woolgrowers' Council.

(3.) Three members shall be appointed on the nomination of the organization known as the Australian Wool Producers' Federation.

(4.) The Minister may, on the recommendation of the Board, appoint one of the members to be the Chairman of the Board.

(5.) On the occurrence of a casual vacancy in the office of any member of the Board (other than the Commonwealth Wool Adviser), the Minister shall, on the nomination of the organization on the nomination of which the member whose office has become vacant was appointed, appoint a person to fill the vacancy, and any person so appointed shall, subject to this Act, hold office for the residue of the term of the member in whose place he is appointed.

(6.) The powers and functions conferred on the Board by this Act shall not be affected by reason only of there being a vacancy in the membership of the Board.

(7.) The appointment of any person as a member shall not be questioned on the ground that there was any defect in the nomination of that person.

Deputies of
members.

7. A member of the Board may, with the approval of the Minister, appoint any person to be his deputy during his inability, through illness, absence or any other cause, to attend a meeting or other business of the Board, and the person so appointed shall, during such inability, exercise and perform all the powers and functions of a member of the Board.

Quorum and
voting.

8. At any meeting of the Board—

- (a) four members shall form a quorum ;
- (b) the Chairman or, in his absence, a member elected by the members present, shall preside ;
- (c) all questions shall be decided by a majority of votes of the members present ; and
- (d) the Chairman or other member presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

Conduct of
business of
Board.

9. Subject to this Act and to the approval of the Minister, the Board may make rules with respect to the order and conduct of the business of the Board.

Delegation by
Board.

10.—(1.) The Board may, by writing under its seal, delegate to any committee, consisting of such one or more of its members as it thinks fit, any of its powers and functions under this Act (except this power of delegation) in relation to any matters or class of

matters, or to any particular State or part of Australia, so that the delegated powers and functions may be exercised by the delegate with respect to the matters or class of matters, or the State or part of Australia, specified in the instrument of delegation.

(2.) Every delegation by the Board shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Board.

11.—(1.) Subject to this section, members (other than the Commonwealth Wool Adviser) and deputies of members while acting as such shall be entitled to receive such fees and expenses as are prescribed in respect of attendance at meetings or while engaged, with the approval of the Minister (whether in Australia or overseas), on business of the Board.

Fees and expenses.

(2.) If a member is also a member of the Parliament of the Commonwealth or of any State, he shall not be entitled to receive any fees, but shall be entitled to be reimbursed such expenses as he actually incurs by reason of such attendance or while engaged, with the approval of the Minister, on such business.

12. Subject to the approval of the Minister, the Board may appoint, upon such terms and conditions as are prescribed, such officers and staff as it considers necessary for the performance of its functions under this Act.

Appointment of officers.

13. Subject to any directions of the Minister, the Board shall have power to make arrangements with persons, authorities and organizations in Australia and in other countries for joint measures of publicity or other means for the promotion of the use of wool.

Board may enter into arrangements for publicity.

14.—(1.) There shall be a Wool Consultative Council for the purpose of advising the Ministers on matters concerning the Australian wool industry.

Wool Consultative Council.

(2.) The Council shall consist of the Commonwealth Wool Adviser, two members of the Board actively engaged in the production of wool who shall be selected by the Minister, and six other members who shall be appointed by the Minister to represent respectively—

- (a) the Council for Scientific and Industrial Research ;
- (b) wool manufacturers ;
- (c) textile distributors ;
- (d) authorities concerned with technical education ;
- (e) the Australian Workers' Union ; and
- (f) the Australian Textile Workers' Union.

(3.) The Minister may appoint a member of the Council to be the Chairman of the Council.

(4.) Members of the Council shall be paid, out of the Research Account, such remuneration and allowances (if any) as the Minister determines.

(5.) The Council shall meet at such times and places as are directed by the Minister.

(6.) At any meeting of the Council—

(a) five members shall form a quorum ;

(b) the Chairman or, in his absence, a member elected by the members present, shall preside ;

(c) all questions shall be decided by a majority of the votes of the members present ; and

(d) the Chairman or other member presiding shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7.) Subject to this Act, the Council may make rules with respect to the order and conduct of the business of the Council.

(8.) In this section, “the Minister” means the Minister of State for Post-war Reconstruction.

Wool Research
Trust Fund.

15.—(1.) For the purposes of this Act, there shall be an account to be known as the Wool Research Trust Account, which shall be a Trust Account for the purposes of section sixty-two A of the *Audit Act 1901-1934*.

(2.) The Treasurer shall, in respect of every financial year, pay into the Research Account out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, a sum equal to the amount received by the Commissioner of Taxation in that year under the *Wool Tax Act 1936-1945*.

(3.) Moneys standing to the credit of the Research Account may be applied in any manner approved by the Ministers for the purposes of this Act, including the following purposes :—

(a) Scientific, economic and cost research in connexion with the production and use of wool and goods made wholly or partly from wool ; and

(b) The co-ordination and application of the results of any such research.

Wool Use
Promotion
Fund.

16.—(1.) There shall be a fund administered by the Board and known as the Wool Use Promotion Fund, into which shall be paid, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, all moneys received by the Commissioner of Taxation under the *Wool Tax Act 1936-1945*.

(2.) Where any account referred to in section eighteen of this Act is opened, payment into that account of the moneys mentioned in the last preceding sub-section shall be deemed to be payment into the Fund.

(3.) Income derived from the investment of the Fund shall form part of the Fund.

(4.) The income of the Fund shall not be subject to taxation by the Commonwealth or a State.

17.—(1.) Before the beginning of each financial year after the commencement of this Act, the Ministers shall, after consultation with the Board, determine the proportion of the moneys to be credited to the Fund during that financial year from the proceeds of the wool tax which shall be paid by the Board out of the Fund to the Research Account, and the Board shall, from time to time as directed by the Ministers, make payments accordingly. Application of Fund.

(2.) Subject to the last preceding sub-section, the moneys in the Fund shall be applied by the Board—

- (a) for promoting by publicity and other means the use of wool in Australia and throughout the world ;
- (b) for performing such other functions for the benefit of the Australian wool industry as are approved by the Ministers ;
- (c) in payment of expenses and other charges incurred by the Board or for which the Board may become liable in carrying out its functions under this Act ;
- (d) in payment of salaries and allowances of officers of the Board ;
- (e) in payment of remuneration, allowances and expenses payable in accordance with this Act to members of the Board ; and
- (f) in investment in any securities of or guaranteed by the Government of the Commonwealth or of a State.

18. Moneys held in the Fund uninvested may be lodged in an account at call or on fixed deposit, or partly in an account at call and partly on fixed deposit, at the Commonwealth Bank. Moneys in Fund may be lodged in bank

19. The accounts of the Board shall be subject to inspection and audit by the Auditor-General. Audit.

20.—(1.) All rights, property and assets and all obligations and liabilities which, prior to the commencement of this Act, were vested in or imposed on the Australian Wool Board constituted under the *Wool Publicity and Research Act 1936* shall, by virtue of this Act, be vested in or imposed on the Board, and in any contract, agreement or other instrument to which the first-mentioned Board was a party any reference to that Board shall be read as a reference to the Board. Board to assume certain assets and liabilities.

(2.) The moneys and securities which, at the commencement of this Act, constitute the Wool Publicity and Research Fund established under the *Wool Publicity and Research Act 1936* shall form part of the Fund.

Protection of
members of
Board.

21. The members of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

Annual report.

22. The Board shall, in the month of August in each year, furnish to the Minister a report as to the operation of the provisions of this Act relating to the Board during the last preceding financial year.

Regulations.

23. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

INCOME TAX ASSESSMENT.

No. 4 of 1945.

An Act to amend the *Income Tax Assessment Act 1936-1944*.

[Assented to 18th May, 1945.]

[Date of commencement, 15th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Income Tax Assessment Act 1945*.

(2.) The *Income Tax Assessment Act 1936-1944** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Income Tax Assessment Act 1936-1945*.

Repeal.

2. Section two of the Principal Act is amended by inserting before the word "Schedule" (first occurring) the word "First".

Income tax

3. Section seventeen of the Principal Act is amended—

(a) by omitting all the words after the word "non-resident";
and

* Act No. 27, 1936, as amended by No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 30, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; and Nos. 3 and 28, 1944

(b) by adding at the end thereof the following sub-section :—

“(2.) Notwithstanding anything contained in sub-section (1.) of this section, income tax shall not be levied upon the taxable income of a person, other than a company—

(a) where the person would, if income tax were levied upon his taxable income, be entitled to a rebate of tax in his assessment by reference to paragraph (a), (aa), (ab), (b), (ba), (bb) or (c) of sub-section (2.) of section one hundred and sixty of this Act and the taxable income does not exceed One hundred and fifty-six pounds ;
or

(b) where the person would not, if income tax were levied upon his taxable income, be entitled to any such rebate of tax and the taxable income does not exceed One hundred and four pounds.”.

4. Section twenty-three of the Principal Act is amended by inserting in paragraph (k), after the figures “1940” (second occurring), the words “, or pensions or allowances paid, or payments made, by the Commonwealth otherwise than under either of those Acts, but which, in the opinion of the Commissioner, are of a similar nature ”. Exemptions.

5. Section thirty-six of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-sections :— Disposal of
assets of
a business.

“(3.) Where, in consequence of the acquisition or resumption of land under the provisions of any Act or State Act or Ordinance of a Territory of the Commonwealth which contains provisions for the compulsory acquisition or resumption of land, a taxpayer, in any year of income, disposes, by sale or otherwise, of any live stock, the taxpayer may elect that his assessable income of that year shall be reduced by an amount equal to four-fifths of the profit on the disposal of that live stock and, in that case, there shall be included in his assessable income of each of the four next succeeding years an amount equal to one-fifth of the profit, and the amount so included in the assessable income of any year shall, for all purposes of this Act, be deemed to be assessable income derived by the taxpayer during that year from the carrying on by him in Australia, during that year, of a business of primary production.

“(4.) Where live stock to which the last preceding sub-section applies is disposed of by a partnership, each partner in the partnership shall be entitled to make an election under that sub-section in relation to that part of the profit on the disposal of the live stock which is included in his individual interest in the net income of the partnership.

“(5.) Where live stock to which sub-section (3.) of this section applies is disposed of by the trustee of a trust estate—

- (a) the trustee shall be entitled to make an election under that sub-section in relation only to that part of the profit on the disposal of the live stock included in the net income of the trust estate in respect of which the trustee is liable to be assessed and to pay tax under the provisions of Division 6 of this Part; and
- (b) each beneficiary in the trust estate who is not under a legal disability and who is presently entitled to a share of the net income of the trust estate, which share includes a part of the profit on the disposal of the live stock, shall be entitled to make an election under that sub-section in relation to that part.

“(6.) Where, in any year of income, a taxpayer who has made an election under sub-section (3.) of this section—

- (a) appears to the Commissioner to be about to leave Australia;
- (b) dies;
- (c) becomes bankrupt, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of any of his property for their benefit; or
- (d) being a company, commences to be wound up,

there shall, if the Commissioner so determines, be included, in the assessable income of the taxpayer of that year of income, any amount which would otherwise be included, in pursuance of this section, in the assessable income of any subsequent year of income, and the amount so included shall be deemed, for all purposes of this Act, to be assessable income derived by the taxpayer during that first-mentioned year of income from the carrying on by him in Australia, during that year, of a business of primary production.

“(7.) The election which a taxpayer may make under sub-section (3.) of this section shall be made in writing on or before the date of lodgment of the return of income of the year in which the disposal occurred, or within such further time as the Commissioner may allow.

“(8.) For the purposes of this section—

- (a) the value of any property or live stock shall be—
 - (i) the market value of the property or live stock on the day of the disposal; or
 - (ii) if, in the opinion of the Commissioner, there is insufficient evidence of the market value on that day—the value which in his opinion is fair and reasonable;
- (b) the profit on the disposal of live stock shall be the amount remaining after deducting from the proceeds of the sale of the live stock or, where the live stock was disposed

of together with any other assets or the disposal was otherwise than by sale, from the value of the live stock, the total of the following amounts :—

- (i) In respect of such of the live stock as was on hand at the beginning of the year of income—the value at which that live stock was, for the purposes of this Act, taken into account at the beginning of that year ;
- (ii) In respect of such of the live stock as was not on hand at the beginning of that year—
 - (1) in the case of live stock acquired by purchase—the purchase price of that live stock ; and
 - (2) in the case of live stock acquired otherwise than by purchase, but not including natural increase bred by the taxpayer during that year—the amount which, under this Act, is deemed to be the purchase price of that live stock.”.

6. After section fifty-one of the Principal Act the following section is inserted :—

“ 51A.—(1.) Notwithstanding anything contained in the last preceding section, where the assessable income of a taxpayer who is an employee includes the amount of any living-away-from-home allowance the rate or value of which exceeds Fifteen shillings per week, an amount ascertained in accordance with this section shall be an allowable deduction.

Deduction in respect of living-away-from-home allowance.

“ (2.) The amount of the deduction allowable under this section shall be—

- (a) where the allowance is paid or granted under the terms of any law or any award, order or determination of an industrial tribunal, or an industrial agreement, and the rate or value of the allowance does not exceed Fifty shillings per week—an amount calculated by multiplying the amount by which the weekly rate or value of the allowance exceeds Fifteen shillings by the number of weeks in respect of which the allowance is paid or granted ;
or
- (b) in any other case—such amount, not exceeding an amount calculated in the manner specified in the last preceding paragraph, as the Commissioner considers reasonable in the circumstances.

“ (3.) For the purposes of this section—

employee’ has the same meaning as that expression has in section two hundred and twenty-one A of this Act ; and
‘living-away-from-home allowance’ means so much of any allowance or benefit paid or granted in money or otherwise

as the Commissioner is satisfied is in the nature of compensation to the employee for the additional expenses (not being expenses which are allowable as a deduction under the last preceding section) incurred by him, or which would be incurred by him if the allowance or benefit were not received, through having to live away from his usual place of abode in order to perform his duties as an employee.”.

Acquisition of
depreciated
property.

7. Section sixty of the Principal Act is amended by omitting from the proviso to sub-section (1.), the words “at the time of the sale” and inserting in their stead the words “immediately prior to the time of the sale”.

Definition of
depreciated
value.

8. Section sixty-two of the Principal Act is repealed and the following section inserted in its stead:—

“62.—(1.) In this Division, ‘depreciated value’ of any unit of property at any time means the cost of the unit to the person who owns or owned the property at that time less the total amount of depreciation (if any) allowed or allowable in respect of that unit in assessments of the income of that person, for any period prior to that time, under this Act or any previous law of the Commonwealth.

“(2.) For the purposes of the last preceding sub-section, in any case in which section sixty of this Act, or the corresponding provision of the previous Act, applied or applies in relation to any unit of property, the person who acquired or acquires the unit shall be deemed to have acquired or to acquire it at a cost equal to the depreciated value of the unit immediately prior to the time of the acquisition, or, if the case is one in which the proviso to sub-section (1.) of that section applied or applies, the sum of that depreciated value and the amount required to be added to that depreciated value for the purposes of that proviso.

“(3.) Any amount by which the depreciated value of a unit of property has been or is reduced in pursuance of sub-section (2A.) or (2C.) of section fifty-nine of this Act shall, for all purposes of this Act, be deemed to be depreciation allowed or allowable in respect of that unit in the first assessment for the purposes of which the reduction was or is made.”.

Income tax
paid abroad on
ex-Australian
dividends.

9.—(1.) Section seventy-two A of the Principal Act is amended by omitting from sub-section (1.) the words “the amount of income tax so paid” and inserting in their stead the words “so much of the income tax so paid as bears to the whole of that income tax the same proportion as the amount of profits derived by the company from sources out of Australia and included in the total amount of the profits out of which the dividends were paid bears to that total amount”.

(2.) The amendment effected by this section shall not apply to any amount paid for income tax, under the law of any country outside Australia, before the date on which this Act receives the Royal Assent.

10. Section seventy-eight of the Principal Act is amended by omitting from sub-section (3.) the words "the next succeeding section" and inserting in their stead the words "the next two succeeding sections".

Gifts and contributions.

11. After section seventy-nine of the Principal Act the following section is inserted :—

"79A.—(1.) For the purpose of granting to residents of the prescribed area an income tax concession in recognition of the disadvantages to which they are subject because of the uncongenial climatic conditions, isolation and high cost of living in Zone A and, to a lesser extent, in Zone B, in comparison with other parts of Australia, in the case of a resident of the prescribed area an amount ascertained in accordance with this section shall, subject to sub-section (3.) of section seventy-eight of this Act, be an allowable deduction:

Deduction for residents of isolated areas.

"(2.) The amount of the deduction allowable under this section shall be—

- (a) in the case of a resident of Zone A—Forty pounds ;
- (b) in the case of a resident of Zone B who has not resided or actually been in Zone A during any part of the year of income—Twenty pounds ; or
- (c) in any other case—such amount, not being less than Twenty pounds nor more than Forty pounds, as, in the opinion of the Commissioner, is reasonable in the circumstances.

"(3.) Any alteration of the boundaries of any area referred to in the Second Schedule to this Act made (otherwise than by an amendment of this Act) after the commencement of this section shall not affect the operation of this section.

"(4.) In this section—

'resident', in relation to any area, means a person (other than a company or a trustee)—

- (a) who resides in that area for more than one half of the year of income ;
- (b) who has actually been in that area, whether continuously or not, during more than one half of the year of income ; or
- (c) not being a person to whom paragraph (a) or paragraph (b) of this definition applies, who died during the year of income and at the date of his death resided in that area ;

'the prescribed area' means the area comprised in Zone A and Zone B ;

'Zone A' means the area described in Part I. of the Second Schedule to this Act ;

'Zone B' means the area described in Part II. of the Second Schedule to this Act."

Definitions.

12. Section eighty-three of the Principal Act is amended by omitting from sub-section (2.) the words "sub-section (3.) of section thirty-six" and inserting in their stead the words "paragraph (a) of sub-section (8.) of section thirty-six".

Payments to fund providing benefits to persons on war service.

13. Section one hundred and two AA of the Principal Act is amended by inserting in paragraph (d), after the word "war", the words "or, if the Governor-General by proclamation declares that some later date shall be substituted for that thirtieth day of June for the purposes of this section, on that substituted date".

Concessional rebates

14. Section one hundred and sixty of the Principal Act is amended—

(a) by inserting in paragraph (a) of sub-section (2.), after subparagraph (iii), the following words :—

" , less, in any case where the separate net income derived from all sources by the spouse or relative in the year of income exceeds Fifty pounds, a sum which bears the same proportion to the amount arrived at in accordance with the foregoing provisions of this paragraph as the excess of that separate net income over Fifty pounds bears to Fifty pounds." ;

(b) by omitting from that paragraph the words "does not exceed Fifty pounds" and inserting in their stead the words "is less than One hundred pounds" ;

(c) by inserting in paragraph (aa) of sub-section (2.) after the words "One hundred pounds" (first occurring), the words " , less, in any case where the separate net income derived from all sources by the daughter in the year of income exceeds Fifty pounds, a sum which bears the same proportion to One hundred pounds as the excess of that separate net income over Fifty pounds bears to Fifty pounds." ;

(d) by omitting from that paragraph the words "does not exceed Fifty pounds" and inserting in their stead the words "is less than One hundred pounds" ;

(e) by omitting from paragraph (d) of sub-section (2.) all the words commencing with the words "any legally qualified medical practitioner" and ending with the word "resident" and inserting in their stead the following sub-paragraphs :—

"—(i) any legally qualified medical practitioner, nurse or chemist, or any public or private hospital, in respect of any illness of or operation upon the taxpayer or his spouse, or any of his children under the age of twenty-one years, if the spouse or child is a resident ;

- (ii) any legally qualified dentist in respect of dental services or treatment rendered to the taxpayer or any such spouse or child ;
- (iii) any person for services rendered to the taxpayer or any such spouse or child in the testing of eyes or the prescribing of spectacles, if that person is legally qualified to perform those services, or to any person for the supply of spectacles in accordance with any such prescription ; or
- (iv) any attendant as remuneration for services rendered to, and arising out of the blindness or permanent confinement to a bed or invalid chair of, the taxpayer or any such spouse or child ” ;
- (f) by omitting from paragraph (da) of sub-section (2) the words “ or artificial eye ” and inserting in their stead the words “, artificial eye or hearing aid ” ;

(g) by adding at the end thereof the following sub-section :--

“ (5.) Where, in respect of any amount referred to in sub-section (1.) of this section, a taxpayer would, apart from this sub-section, be entitled to a deduction under any provision of this Act, he shall not be entitled to both a rebate and a deduction in respect of that amount, but shall be allowed only the rebate or the deduction, whichever the Commissioner considers appropriate.”.

15.—(1.) Section two hundred and twenty-one c of the Principal Act is amended by adding at the end thereof the following sub-section :--

Deductions
by employer
from salaries
and wages.

“ (5.) Notwithstanding anything contained in this section, where an employee receives from his employer any allowance or benefit, in respect of any week or part thereof, the rate or value of which exceeds Fifteen shillings per week and that allowance or benefit is in the nature of compensation for the additional expenses incurred by the employee, or which would be incurred by him if the allowance or benefit were not received, through having to live away from his usual place of abode in order to perform his duties as an employee, there shall not be taken into account for the purpose of computing the deduction under this section--

- (a) where the allowance or benefit is received in respect of a week--so much of the amount or value of the allowance or benefit as is in excess of Fifteen shillings ; or
- (b) where the allowance or benefit is received in respect of part of a week--so much of the amount or value of the allowance or benefit as is in excess of an amount calculated for that part of a week at the rate of Fifteen shillings per week.”.

(2.) The amendment effected by this section shall come into operation on the first day of July, One thousand nine hundred and forty-five.

Arrangements
with authorities
of governments

16. Section two hundred and twenty-one KB of the Principal Act is amended by omitting sub-section (3.) and inserting in its stead the following sub-sections :—

“(3.) Any person who is or becomes included in a class of persons in relation to whom an arrangement under the last preceding sub-section is in force shall (unless he has already done so), within thirty days after—

- (a) the commencement of this sub-section ;
- (b) he becomes included in that class of persons ; or
- (c) the publication of a notice by the Commissioner in the *Gazette* that such an arrangement is in force in relation to that class of persons,

whichever is the latest, by writing under his hand authorize his employer, and shall at all times keep his employer authorized, to make deductions from his salary or wages at the rates prescribed for the purposes of this Division.

Penalty : Twenty pounds.

“(3A.) The production of a copy of the *Gazette* containing a notice by the Commissioner that an arrangement under sub-section (2.) of this section is in force in relation to a class of persons specified in the notice shall be *prima facie* evidence of the making of such an arrangement, and that the arrangement has, at all times since the date of that *Gazette*, remained in force.”.

Release of
ability
of members
of Defence
Force on
death.

17. Section two hundred and sixty-five A of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words “such pay and allowances” and inserting in their stead the words “pay and allowances earned as a member of the Defence Force”.

The First
Schedule.

18. The heading to the Schedule to the Principal Act is amended by inserting before the word “SCHEDULE” the word “FIRST”.

The Second
Schedule.

19. The Principal Act is amended by adding at the end thereof the following Schedule :—

Sec. 79A.

“THE SECOND SCHEDULE.

PART I.

Zone A.

“1. All that portion of the mainland of Australia lying north of a line commencing at a point on the western coastline at the north-western corner of the Road District of Gascoyne Minilya and thence in a general easterly direction following the boundaries dividing the Road Districts of Gascoyne Minilya Upper Gascoyne Meekatharra and Wiluna from the Road Districts of Ashburton Tableland and Nullagine in the State of Western Australia by the Tropic of Capricorn to the boundary dividing the Northern

Territory of Australia and the State of Queensland by that boundary south to its junction with a northern boundary of the Shire of Diamantina in the State of Queensland thence generally northeasterly by the boundaries dividing the Shires of Diamantina Winton Flinders Dalrymple and Herberton from the Shires of Bonila Cloncurry McKinlay Wyangarie Etheridge and Woothakata to the 145th meridian of east longitude by that meridian part of the northern boundary of the Shire of Woothakata beforementioned and the boundary dividing the Shires of Douglas and Cook to the eastern coastline.

2. All the islands forming part of Australia lying adjacent to the coastline of the portion of Australia described in paragraph 1 of this Part.

3. The Territories of Papua, Norfolk Island and New Guinea.

PART II.

Zone B.

"1. All that portion of the mainland of Australia lying south of the southern boundary of Zone A and north of a line commencing at the northeastern corner of the Shire of Broadsound in the State of Queensland thence generally westerly and southerly by the boundaries dividing the Shires of Broadsound Belyando Jericho Bauhinia Booringa and Balonne from the Shires of Sarina Nebo Wangaratta Dalrymple Aramac Barcaldine Blackall Tambo Murweh and Paroo to the boundary dividing the States of Queensland and New South Wales thence east by that boundary to its junction with the Barwon River at the northeastern corner of the Western Division in the State of New South Wales thence generally south-westerly by part of the boundary dividing the Central and Western Divisions of the State of New South Wales to the northernmost corner of the County of Mouramba and by the boundaries dividing the Counties of Mouramba Mossgiel Waljeers Kilfera Taia Wentworth and Tara from the Counties of Robinson Booroodarra Woore Manara Perry and Windeyer to the boundary dividing the States of New South Wales and South Australia thence south by that boundary to the northeast corner of the County of Hamley in the State of South Australia thence by the north boundaries of the Counties of Hamley and Young part of the north boundary of the County of Burra part of the east boundary of the District Council District of Hallett the east and a north boundary of the District Council District of Peterborough east and north boundaries of the District Council District of Carrieton to the southeast corner of the District Council District of Hawker the eastern north and west boundaries of that District Council District a western boundary of the District Council District of Kanyaka to the north boundary of the County of Frome thence west by part of that boundary and its prolongation west to the west boundary of the County of Manchester thence by the boundaries dividing the Counties of Manchester York and Buxton from the County of Hore-Ruthven part of the west boundary of the County of Buxton and part of the western boundary of the District Council District of Kimba to the easternmost corner of the District Council District of Le Hunte thence generally northwesterly by the east and north boundaries of the District Council Districts of Le Hunte and Streaky Bay and the east north and west boundaries of the District Council District of Murat Bay to the southern coastline thence by that coastline westerly to the southwestern corner of the Road District of Phillips River in the State of Western Australia thence generally northwesterly by the boundaries dividing the Road Districts of Gnowangerup Kent Lake Grace Kulin Kondinin Naremben Merredin and Nungarin from the Road Districts of Phillips River Yilgarn and Westonia to the northeast corner of the Road District of Nungarin thence westerly and northwesterly by the boundaries dividing the Road Districts of Nungarin Kununoppin-Trayning Wyalkatchem Dowerin and Wongan-Ballidu from the Road Districts of Mukinbudin Mt. Marshall Koorda and Dalwallinu to the No. 2 rabbit proof fence by that fence to the north boundary of the Road District of Perenjori and thence by the boundaries dividing the Road Districts of Perenjori Morawa Mingenew Irwin Greenough and Geraldton from the Road Districts of Yalgoo Mullewa and Upper Chapman to the western coastline.

2. All that portion of Tasmania lying south and west of a line commencing on the west coast at the southwest corner of the County of Wellington and thence generally easterly and southerly by the boundaries dividing the counties of Wellington Devon and Westmorland from the counties of Russell Lincoln and Cumberland to the point on the River Shannon where the hydro-electric transmission line from Waddamana to Launceston crosses that river thence in a straight line in a general southwesterly direction to the trigonometrical station known as Fishers Sugar Loaf thence by a straight line in a general southwesterly direction to the point where the Lyell Highway crosses the Dee River thence by a straight line in a general southwesterly direction

to the confluence of the Derwent and Florentine Rivers thence by a straight line in a general southerly direction passing through the trigonometrical station on South East Cape to the southern coastline.

3. All the islands forming part of Australia lying adjacent to the coastline of either of the portions of Australia described in paragraphs 1 and 2 of this Part."

Application of
amendments.

20.—(1.) The amendments effected by sections three, six, ten, eleven, fourteen and nineteen of this Act shall apply to all assessments for the financial year beginning on the first day of July. One thousand nine hundred and forty-five, and all subsequent years.

(2.) The amendments effected by sections four, five, seven, eight, nine and twelve of this Act shall apply—

(a) where the taxpayer is a company, other than a company in the capacity of a trustee—to all assessments for the financial year beginning on the first day of July. One thousand nine hundred and forty-five, and all subsequent years; and

(b) in any other case—to all assessments (other than assessments made for the purposes of Division 18 of Part III. of the Principal Act) for the financial year which commenced on the first day of July, One thousand nine hundred and forty-four, and all subsequent years.

INCOME TAX.

No. 5 of 1945.

An Act to impose a Tax upon Incomes.

[Assented to 18th May, 1945.]

[Date of commencement, 15th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Income Tax Act 1945*.

Incorporation

2. The *Income Tax Assessment Act 1936-1945* shall be incorporated and read as one with this Act

Imposition of
income tax.
Rates of
income tax.

3. Income tax is imposed at the rates declared in this Act.

4.—(1.) The rate of income tax in respect of a taxable income derived from personal exertion shall be as set out in the First Schedule to this Act.

(2.) The rate of income tax in respect of a taxable income derived from property shall be as set out in the Second Schedule to this Act.

(3.) The rates of income tax in respect of a taxable income derived partly from personal exertion and partly from property shall be as set out in the Third Schedule to this Act.

(4.) The rate or rates of income tax in respect of a taxable income to which Division 16 of Part III. of the *Income Tax Assessment Act* 1936-1945 applies shall be as set out in the Fourth Schedule to this Act.

(5.) The rate or rates of income tax in respect of a taxable income in any case where sub-section (1.) of section eighty-six of the *Income Tax Assessment Act* 1936-1945 applies shall be as set out in the Fifth Schedule to this Act.

(6.) The rate or rates of income tax payable by a trustee shall be as set out in the Sixth Schedule to this Act.

(7.) Subject to the last preceding sub-section, the rates of income tax payable by a company shall be as set out in the Seventh Schedule to this Act.

(8.) Where, apart from this sub-section, the amount of income tax payable under sub-section (1.), (2.), (3.), (4.), (5.) or (6.) of this section would, after deducting all rebates to which a taxpayer is entitled in his assessment, be greater than fifty per centum of the amount by which the taxable income exceeds—

(a) in any case where the taxable income is less than Two hundred pounds and the taxpayer is entitled to a rebate of tax in his assessment by reference to paragraph (a), (aa), (ab), (b), (ba), (bb) or (c) of sub-section (2.) of section One hundred and sixty of the *Income Tax Assessment Act* 1936-1945—One hundred and fifty-six pounds; or

(b) in any case where the taxable income is less than One hundred and thirteen pounds and the taxpayer is not entitled to any such rebate of tax—One hundred and four pounds,

the income tax payable in respect of that taxable income shall be fifty per centum of the amount of that excess.

(9.) Where, apart from this sub-section, the amount of income tax which a person would be liable to pay under sub-section (1.), (2.), (3.), (4.), (5.), (6.) or (8.) of this section, after deducting all rebates to which he is entitled in his assessment, is less than Ten shillings, the income tax payable by that person shall be Ten shillings.

(10.) Where, apart from this sub-section, the income tax which a person would be liable to pay under this section before deducting any rebate to which he is entitled in his assessment, leaves an amount of pence remaining when expressed in pounds and shillings—

(a) if the remaining pence do not exceed six—the income tax payable by that person shall be the amount so expressed in pounds and shillings; or

(b) if the remaining pence exceed six—the income tax payable by that person shall be the amount so expressed in pounds and shillings plus One shilling.

Super-tax
on certain
companies.

5. In addition to any income tax payable under the preceding provisions of this Act, there shall be payable upon the taxable income in excess of Five thousand pounds derived by a company a super-tax at the rate of Twelve pence for every pound of that excess :

Provided that this section shall not apply—

- (a) to the assessment of a company as a trustee ;
- (b) to the income of a company to which section fourteen of the *War-time (Company) Tax Assessment Act 1940-1944* provides that that Act shall not apply ; or
- (c) to the mutual income, as defined in sub-section (1A.) of section one hundred and sixty c of the *Income Tax Assessment Act 1936-1945*, of a life assurance company.

Levy of
income tax.

6.—(1.) The tax imposed by the preceding provisions of this Act shall be levied and paid for the financial year commencing on the first day of July, One thousand nine hundred and forty-five, upon the taxable income derived during the year of income as defined by section six of the *Income Tax Assessment Act 1936-1945*.

(2.) Until the commencement of the Act for the levying and payment of income tax for the financial year beginning on the first day of July, One thousand nine hundred and forty-six, the preceding provisions of this Act shall also apply for all financial years subsequent to that commencing on the first day of July, One thousand nine hundred and forty-five.

Provisional tax.

7. Provisional tax is imposed, and shall be payable in accordance with the provisions of the *Income Tax Assessment Act 1936-1945*, in respect of the income of the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-six, or the accounting period (if any) adopted under that Act in lieu of that financial year.

THE SCHEDULES.

FIRST SCHEDULE.

s. 4 (1.).

RATE OF TAX IN RESPECT OF TAXABLE INCOME DERIVED FROM PERSONAL EXERTION.

If the taxable income does not exceed £300, the rate of tax for every pound of taxable income up to and including £100 shall be 6 pence, and the rate of tax for every pound of taxable income in excess of £100 shall be 30.165 pence increasing uniformly by .165 of one penny for every pound by which the taxable income exceeds £101.

If the taxable income exceeds £300 but does not exceed £1,000 the rate of tax for every pound of taxable income up to and including £300 shall be 44 pence and the rate of tax for every pound of taxable income in excess of £300 shall be 96.01 pence increasing uniformly by .01 of one penny for every pound by which the taxable income exceeds £301.

If the taxable income exceeds £1,000 but does not exceed £2,000 the rate of tax for every pound of taxable income up to and including £1,000 shall be 85.3 pence and the rate of tax for every pound of taxable income in excess of £1,000 shall be 110.033 pence increasing uniformly by .033 of one penny for every pound by which the taxable income exceeds £1,001.

If the taxable income exceeds £2,000 but does not exceed £3,000 the rate of tax for every pound of taxable income up to and including £2,000 shall be 114.15 pence and the rate of tax for every pound of taxable income in excess of £2,000 shall be 176.015 pence increasing uniformly by .015 of one penny for every pound by which the taxable income exceeds £2,001.

If the taxable income exceeds £3,000 but does not exceed £5,000 the rate of tax for every pound of taxable income up to and including £3,000 shall be 139.76 pence and the rate of tax for every pound of taxable income in excess of £3,000 shall be 206.004 pence increasing uniformly by .004 of one penny for every pound by which the taxable income exceeds £3,001.

If the taxable income exceeds £5,000 the rate of tax for every pound of taxable income up to and including £5,000 shall be 169.46 pence and the rate of tax for every pound of taxable income in excess of £5,000 shall be 222 pence.

SECOND SCHEDULE.

s. 4 (2.).

RATE OF TAX IN RESPECT OF TAXABLE INCOME DERIVED FROM PROPERTY.

If the taxable income does not exceed £200 the rate of tax for every pound of taxable income up to and including £100 shall be 6 pence and the rate of tax for every pound of taxable income in excess of £100 shall be 30.165 pence increasing uniformly by .165 of one penny for every pound by which the taxable income exceeds £101.

If the taxable income exceeds £200 but does not exceed £300 the rate of tax for every pound of taxable income up to and including £200 shall be 26.25 pence and the rate of tax for every pound of taxable income in excess of £200 shall be 75.74 pence increasing uniformly by .24 of one penny for every pound by which the taxable income exceeds £201.

If the taxable income exceeds £300 but does not exceed £1,000 the rate of tax for every pound of taxable income up to and including £300 shall be 50.6 pence and the rate of tax for every pound of taxable income in excess of £300 shall be 123.51 pence increasing uniformly by .01 of one penny for every pound by which the taxable income exceeds £301.

If the taxable income exceeds £1,000 but does not exceed £2,000 the rate of tax for every pound of taxable income up to and including £1,000 shall be 106.55 pence and the rate of tax for every pound of taxable income in excess of £1,000 shall be 137.534 pence increasing uniformly by .034 of one penny for every pound by which the taxable income exceeds £1,001.

If the taxable income exceeds £2,000 but does not exceed £5,000 the rate of tax for every pound of taxable income up to and including £2,000 shall be 139.025 pence and the rate of tax for every pound of taxable income in excess of £2,000 shall be 205.50275 pence increasing uniformly by .00275 of one penny for every pound by which the taxable income exceeds £2,001.

If the taxable income exceeds £5,000 the rate of tax for every pound of taxable income up to and including £5,000 shall be 183.86 pence and the rate of tax for every pound of taxable income in excess of £5,000 shall be 222 pence.

THIRD SCHEDULE.

s. 4 (3.).

RATES OF TAX IN RESPECT OF TAXABLE INCOME DERIVED PARTLY FROM PERSONAL EXERTION AND PARTLY FROM PROPERTY.

(a) For every pound of taxable income derived from personal exertion, the rate of tax shall be ascertained by dividing the total amount of the tax that would be payable under the First Schedule if the total taxable income of the taxpayer were derived exclusively from personal exertion, by the amount of the total taxable income.

(b) For every pound of taxable income derived from property, the rate of tax shall be ascertained by dividing the total amount of the tax that would be payable under the Second Schedule if the total taxable income of the taxpayer were derived exclusively from property, by the amount of the total taxable income.

FOURTH SCHEDULE.

s. 4 (4.).

RATES OF TAX BY REFERENCE TO AN AVERAGE INCOME.

(a) For every pound of taxable income derived from personal exertion by a taxpayer to whose income Division 16 of Part III. of the *Income Tax Assessment Act 1936-1945* applies, the rate of tax shall be ascertained by dividing the tax that would be payable under the First Schedule upon a taxable income from personal exertion equal to his average income, by that average income.

(b) For every pound of taxable income derived by him from property the rate of tax shall be ascertained by dividing the tax that would be payable under the Second Schedule upon a taxable income from property equal to his average income, by that average income.

FIFTH SCHEDULE

s. 4 (5.)

RATE OF TAX BY REFERENCE TO A NOTIONAL INCOME.

(a) For every pound of the actual taxable income from personal exertion of a taxpayer deriving a notional income, as specified by sub-section (1.) of section eighty-six of the *Income Tax Assessment Act 1936-1945*, the rate of tax shall be the amount obtained by dividing the tax that would be payable under the First Schedule upon a taxable income from personal exertion equal to his notional income, by that notional income.

(b) For every pound of the actual taxable income from property of a taxpayer deriving a notional income, as specified by sub-section (1.) of section eighty-six of the *Income Tax Assessment Act 1936-1945*, the rate of tax shall be the amount obtained by dividing the tax that would be payable under the Second Schedule upon a taxable income from property equal to his notional income, by that notional income.

SIXTH SCHEDULE.

s. 4 (6.)

RATES OF TAX PAYABLE BY A TRUSTEE.

For every pound of the taxable income in respect of which a trustee is liable, pursuant to either section ninety-eight or section ninety-nine of the *Income Tax Assessment Act 1936-1945*, to be assessed and to pay tax, the rate of tax shall be the rate which would be payable under the First, Second, Third, Fourth or Fifth Schedule, as the case requires, if one individual were liable to be assessed and to pay tax on that taxable income.

SEVENTH SCHEDULE.

s. 4 (7.).

RATES OF TAX PAYABLE BY A COMPANY.

(a) Subject to the last preceding Schedule, for every pound of the taxable income of a company the rate of tax shall be—

- (i) in the case of a company which is not a life assurance company—Seventy-two pence;
- (ii) in the case of a company which is a mutual life assurance company—Sixty pence; or
- (iii) in the case of a life assurance company, other than a mutual life assurance company—
 - (1) in respect of the mutual income of the company as defined in sub-section (1A.) of section one hundred and sixty of the *Income Tax Assessment Act 1936-1945*—Sixty pence; and
 - (2) in respect of the remainder of the taxable income of the company—Seventy-two pence.

(b) Subject to the last preceding Schedule, for every pound of that portion of the taxable income of a company which has not been distributed as dividends on which the company is liable, pursuant to Part IIIA. of the *Income Tax Assessment Act 1936-1945*, to pay further tax, the rate of tax shall be Twenty-four pence.

(c) For every pound of interest in respect of which a company is liable, pursuant to sub-section (1.) of section one hundred and twenty-five of the *Income Tax Assessment Act 1936-1945*, to pay income tax, the rate of tax shall be Seventy-two pence.

INVALID AND OLD-AGE PENSIONS APPROPRIATION.

No. 6 of 1945.

An Act to grant and apply out of the Consolidated Revenue Fund a sum for Invalid and Old-age Pensions.

[Assented to 27th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

1. This Act may be cited as the *Invalid and Old-age Pensions Appropriation Act 1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

3. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the Trust Account established under the *Audit Act 1901-1931* and known as the Invalid and Old-age Pensions Fund, the sum of Twenty-seven million pounds for invalid and old-age pensions.

INVALID AND OLD-AGE PENSIONS.

No. 7 of 1945.

An Act to amend the *Invalid and Old-age Pensions Act 1908-1944*.

[Assented to 27th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Invalid and Old-age Pensions Act 1945*.

(2.) The *Invalid and Old-age Pensions Act 1908-1944** is in this Act referred to as the Principal Act.

* Act No. 17, 1908, as amended by Nos. 3 and 21, 1909; No. 27, 1912; No. 32, 1916; No. 22, 1917; No. 22, 1919; No. 53, 1920; No. 15, 1923; No. 27, 1925; No. 44, 1926; No. 31, 1928; Nos. 10 and 46, 1931; Nos. 35 and 64, 1932; Nos. 17 and 56, 1933; No. 1, 1935; No. 20, 1936; No. 11, 1937; No. 97, 1940; No. 48, 1941; No. 3, 1942; No. 14, 1943; and No. 16, 1944.

(3.) The Principal Act, as amended by this Act, may be cited as the *Invalid and Old-age Pensions Act 1908-1945*.

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Limit of pension. 3. Section twenty-four of the Principal Act is amended by omitting from sub-section (1.) the words "Seventy pounds four shillings" and inserting in their stead the words "Eighty-four pounds ten shillings".

Recommendation by Magistrate. 4. Section thirty-one of the Principal Act is amended by omitting from sub-section (2.) the words "Nine shillings and sixpence" and inserting in their stead the words "Eleven shillings and sixpence".

Benevolent asylum inmates. 5. Section forty-seven of the Principal Act is amended by omitting the words "Nine shillings and sixpence" and inserting in their stead the words "Eleven shillings and sixpence".

Application of amendments. 6. The amendments effected by this Act shall apply in relation to the instalment of pensions falling due on the fifth day of July, One thousand nine hundred and forty-five, and to all subsequent instalments.

APPROPRIATION (No. 2) 1944-45.

No. 8 of 1945.

An Act to grant and apply an additional sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-five, and to appropriate such sum.

[Assented to 27th June, 1945.]

Preamble. **B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title. 1. This Act may be cited as the *Appropriation Act (No. 2) 1944-45*.

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Issue and application of £20,000,000 3. The Treasurer may issue out of the Consolidated Revenue Fund and apply towards making good the supply hereby granted to His Majesty for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-five, the sum of Twenty million pounds.

4. The said sum granted by this Act is appropriated, and shall be deemed to have been appropriated as from the first day of July, One thousand nine hundred and forty-four, for the purposes and services set forth in the Schedule to this Act in relation to the financial year ending the thirtieth day of June, One thousand nine hundred and forty-five.

Appropriation

THE SCHEDULE.

PART I.—DEPARTMENTS AND SERVICES—OTHER THAN BUSINESS UNDERTAKINGS AND TERRITORIES OF THE COMMONWEALTH.

Section 4.

XIV.—DEFENCE AND WAR (1939-44) SERVICES .. £ 20,000,000

SUPPLY (No. 1) 1945-46.

No. 9 of 1945.

An Act to grant and apply a sum out of the Consolidated Revenue Fund for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six.

[Assented to 27th June. 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Preamble.

1. This Act may be cited as the *Supply Act (No. 1) 1945-46*.

Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

3. There shall and may be issued and applied for or towards making good the supply hereby granted to His Majesty for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six the sum of Fifty-five million five hundred and fifty-seven thousand pounds out of the Consolidated Revenue Fund for the purposes and services expressed in the Schedule to this Act, and the Treasurer is hereby authorized and empowered to issue and apply the moneys authorized to be issued and applied.

Issue and application of £55,557,000.

4. The sum specified in the last preceding section shall be available to satisfy the warrants under the hand of the Governor-General in respect of any purposes and services expressed in the Schedule to this Act.

Sum available for the purposes set forth in Schedule.

5. No money shall be expended under the authority of this Act after the thirtieth day of June, One thousand nine hundred and forty-six.

Limit of period of expenditure.

THE SCHEDULE.

Sec. 3.

ABSTRACT.

	Total.
PART I.—DEPARTMENTS AND SERVICES—OTHER THAN BUSINESS UNDERTAKINGS AND TERRITORIES OF THE COMMONWEALTH.	
	£
PARLIAMENT	62,450
PRIME MINISTER'S DEPARTMENT	333,160
DEPARTMENT OF EXTERNAL AFFAIRS	60,820
DEPARTMENT OF THE TREASURY	577,930
ATTORNEY-GENERAL'S DEPARTMENT	91,670
DEPARTMENT OF THE INTERIOR	113,990
DEPARTMENT OF WORKS	38,000
DEPARTMENT OF CIVIL AVIATION	102,610
DEPARTMENT OF TRADE AND CUSTOMS	187,150
DEPARTMENT OF HEALTH	53,270
DEPARTMENT OF COMMERCE AND AGRICULTURE	95,150
DEPARTMENT OF SOCIAL SERVICES	124,690
DEPARTMENT OF SUPPLY AND SHIPPING	71,390
DEPARTMENT OF EXTERNAL TERRITORIES	7,720
	£
DEFENCE AND WAR (1939-45) SERVICES—	
DEPARTMENT OF DEFENCE	51,000
DEPARTMENT OF THE NAVY	
DEPARTMENT OF THE ARMY	
DEPARTMENT OF AIR	
DEPARTMENT OF MUNITIONS	
DEPARTMENT OF AIRCRAFT PRODUCTION	(a) 91,096,000
RECIPROCAL LEND-LEASE TO UNITED STATES FORCES	
DEPARTMENT OF SUPPLY AND SHIPPING	2,160,000
DEPARTMENT OF HOME SECURITY	15,000
OTHER WAR SERVICES	7,780,000
OTHER ADMINISTRATIONS—RECOVERABLE EXPENDITURE	4,000,000
	105,102,000
Less AMOUNT CHARGEABLE TO LOAN FUND	65,102,000
	40,000,000
MISCELLANEOUS SERVICES	140,000
WAR (1914-18) SERVICES	316,000
TOTAL PART I	42,376,000
PART 2.—BUSINESS UNDERTAKINGS.	
COMMONWEALTH RAILWAYS	693,000
POSTMASTER-GENERAL'S DEPARTMENT	5,808,000
TOTAL PART 2	6,501,000

(a) For security reasons it is not desirable to disclose details of this expenditure.

ABSTRACT—continued.

					Total
PART 3.—TERRITORIES OF THE COMMONWEALTH.					
NORTHERN TERRITORY ..	..	..	..	..	63,910
AUSTRALIAN CAPITAL TERRITORY ..	..	..	..	..	115,090
NORFOLK ISLAND ..	..	..	..	..	1,000
TOTAL PART 3 ..					180,000
REFUNDS OF REVENUE ..	..	..	..	..	1,500,000
ADVANCE TO THE TREASURER ..	..	..	..	..	5,000,000
TOTAL ..					55,557,000

CHILD ENDOWMENT.

No. 10 of 1945.

An Act to amend the *Child Endowment Act 1941-1942*.

[Assented to 27th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Child Endowment Act 1945*.

Short title
and citation.

(2.) The *Child Endowment Act 1941-1942**, as amended by this Act, may be cited as the *Child Endowment Act 1941-1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

3. Section thirteen of the *Child Endowment Act 1941-1942* is amended by omitting from sub-sections (1.), (1A.) and (1B.) the words "Five shillings" and inserting in their stead the words "Seven shillings and sixpence".

Child
endowment.

4. The amendments effected by this Act shall apply in respect of the endowment period commencing on the twenty-sixth day of June, One thousand nine hundred and forty-five, and in respect of all subsequent endowment periods.

Application of
amendments.

* Act No. 8, 1941, as amended by No. 5, 1942

RE-ESTABLISHMENT AND EMPLOYMENT.

No. 11 of 1945.

An Act to provide for the Re-establishment in Civil Life of Members of the Forces, for facilitating their Employment, and for other purposes.

[Assented to 28th June, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

- | | |
|---------------|--|
| Short title. | 1. This Act may be cited as the <i>Re-establishment and Employment Act</i> 1945. |
| Commencement. | 2. The several Parts and Divisions of this Act shall commence on such dates as are respectively fixed by proclamation. |
| Parts. | 3. This Act is divided into Parts, as follows:— |
| | Part I.—Preliminary. |
| | Part II.—Provisions relating to Employment. |
| | Division 1.—Reinstatement in Civil Employment. |
| | Division 2.—Preference in Employment. |
| | Division 3.—Apprenticeship. |
| | Division 4.—Modification of Conditions of Entry to Employment. |
| | Division 5.—The Commonwealth Employment Service. |
| | Part III.—Vocational Training. |
| | Part IV.—Disabled Persons. |
| | Part V.—Demobilization. |
| | Part VI.—Re-establishment Assistance. |
| | Division 1.—Re-establishment Leave. |
| | Division 2.—Re-employment Allowances |
| | Division 3.—Re-establishment Loans. |
| | Division 4.—Business Re-establishment Allowances. |

Part VII.—Servicemen's Settlement.

Part VIII.—Housing.

Part IX.—Legal Aid Bureaux.

Part X.—War Service Moratorium.

Division 1.—Preliminary.

Division 2.—Mortgages and Agreements for the Purchase of Land.

Division 3.—Prohibition or Suspension of Proceedings.

Division 4.—General.

Part XI.—Miscellaneous.

4.—(1.) In this Act, unless the contrary intention appears—

Definitions.

“Australia” includes the Territories of the Commonwealth

“member of the Forces” means—

(a) a person who is or was, during the war, a member of the Permanent Forces, other than the Australian Imperial Force ;

(b) a person who is or was, during the war, a member of the Australian Imperial Force ;

(c) a member of the Citizen Forces who is or was enlisted appointed or called up for continuous service for the duration of, and directly in connexion with, the war ;

(d) a person who is or was, during the war, engaged on continuous full-time service as a member of any of the following Services :—

The Royal Australian Naval Nursing Service .

The Women's Royal Australian Naval Service .

The Australian Army Nursing Service ;

The Australian Women's Army Service ;

The Australian Army Medical Women's Service ,

The Royal Australian Air Force Nursing Service ;

The Women's Auxiliary Australian Air Force ,

(e) a member of a Voluntary Aid Detachment who is or was, during the war, engaged on continuous full-time paid duty with any part of the Defence Force

(f) a member of the Naval, Military or Air Forces of any part of the King's dominions other than Australia who is or was, during the war, engaged on service in a prescribed area and was born in Australia or was, immediately prior to his becoming a member of any of those Forces, domiciled in Australia ; and

(g) a person who is or was, during the war, engaged on continuous full-time service with any Nursing Service or other Women's Service auxiliary to the Naval, Military or Air Forces of any part of the King's dominions other than Australia who was born in Australia or was, immediately prior to her becoming a member of that Service, domiciled in Australia,

but does not include any enemy alien who served during the war as a member of the Army Labour Corps but not otherwise ;

" the Minister ", in relation to any provision of this Act, means the Minister for the time being administering the Part or Division of this Act in which that provision occurs :

" the war " means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of commencement of this Part ;

" war service " means—

(a) service as a member of the Permanent Forces, other than the Australian Imperial Force ;

(b) service in the Australian Imperial Force ;

(c) the service of a member of the Citizen Forces when called out for war service in pursuance of the *Defence Act* 1903-1945, or during continuous training under that Act, the *Naval Defence Act* 1910-1934 or the *Air Force Act* 1923-1941 ;

(d) the continuous full-time service in the Defence Force under any Act or under any regulations under an Act, of any person who volunteers and is accepted for that service during war ;

(e) in the case of a person specified in paragraph (d), (e) (f) or (g) of the definition of " member of the Forces ", service in any of the bodies specified in those paragraphs ; or

(f) in relation to any of the provisions of this Act, the continuous full-time service of any person as a member of an organization or part thereof which is declared by proclamation to be an organization in relation to which those provisions apply.

(2.) For the purposes of this Act, a member of the Forces who has ceased to be engaged on war service shall be deemed to have been discharged.

Extension of
certain
provisions of
Act to
members of
Dominion, &c.,
Forces.

5 The regulations may provide that persons resident in Australia who were, during the war, engaged on service in a prescribed area

with the Naval, Military or Air Forces of a prescribed part of the King's dominions other than Australia, of a prescribed foreign power allied or associated with His Majesty or of any prescribed foreign authority recognized by His Majesty as competent to maintain Naval, Military or Air Forces for service in association with His Majesty's Forces, shall, for the purposes of such of the provisions of this Act (other than Division 2 of Part II. and Division 1 of Part VI.) as are specified in the regulations, be deemed to be discharged members of the Forces.

6. This Act shall extend to all the Territories of the Commonwealth.

Application to
Territories.

7.—(1.) A Minister may, by writing under his hand, delegate all or any of his powers and functions under this Act, except this power of delegation, so that the delegate may exercise the powers and functions specified in the instrument of delegation.

Delegation.

(2.) Where under this Act the exercise of any power or function by a Minister, or the operation of any provision of this Act, is dependent upon the opinion, belief or state of mind of a Minister in relation to any matter, that power or function may be exercised by the delegate of the Minister, or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(3.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Minister.

PART II.—PROVISIONS RELATING TO EMPLOYMENT

Division 1.—Reinstatement in Civil Employment.

8. Sub-section (3.) of section one hundred and eighteen A of the *Defence Act* 1903-1945 shall, in so far as it is inconsistent with this Division, be inoperative.

Modification
of the
Defence Act.

9.—(1.) Where any person has applied for reinstatement in employment in accordance with the National Security (Reinstatement in Civil Employment) Regulations and has not been reinstated in employment in accordance with those Regulations, the provisions of this Division shall apply in like manner as they would apply in relation to an application made under this Division on the date of commencement of this Division.

Saving.

(2.) Any application to a Reinstatement Committee, and any notice or statement, made or given under the National Security (Reinstatement in Civil Employment) Regulations, shall have the same effect as if it had been made or given under this Division.

(3.) The chairmen and 'other' members of the Reinstatement Committees appointed under the National Security (Reinstatement in Civil Employment) Regulations holding office at the date of commencement of this Division shall be deemed to have been appointed chairmen and members, respectively, of the corresponding Reinstatement Committees under this Division.

(4.) Anything done by a Reinstatement Committee under the National Security (Reinstatement in Civil Employment) Regulations shall have the same effect as if it had been done under this Division.

(5.) The panels of persons selected under the National Security (Reinstatement in Civil Employment) Regulations to represent persons who have rendered war service and employers respectively shall be deemed to have been selected under this Division.

interpretation.

10.—(1.) In this Division, unless the contrary intention appears—

“employer” includes the Crown (whether in right of the Commonwealth or of a State) and any authority constituted by or under the law of the Commonwealth or of a State or Territory of the Commonwealth;

“essential work” means, in relation to any person who has rendered war service, work which is, in the opinion of the Minister, more important, in the national interest, than the work which the person would perform if he were reinstated in employment in accordance with this Division;

“former employer” means, in relation to a person who is rendering or has rendered war service, the employer by whom that person was employed for not less than twenty-eight days out of the fifty-six days immediately preceding the date upon which he volunteered for war service or received a notice requiring him to perform war service, and includes any person for the time being—

(a) carrying on an undertaking or service in which the first-mentioned person was so employed; or

(b) carrying on an undertaking or service with which that undertaking or service has been amalgamated or in which it was comprised during those fifty-six days;

“Reinstatement Committee” means a Reinstatement Committee appointed, or deemed to have been appointed, under this Division.

(2.) Subject to the next succeeding sub-section, a person shall be deemed for the purposes of this Division to have completed a period of war service upon the termination of that service for any cause whatsoever.

(3.) Where—

(a) any person has completed a period of war service and engages in essential work either—

(i) within one month after completing that service;

(ii) after having applied to be reinstated in employment in accordance with this Division or in accordance with the National Security (Reinstatement in Civil Employment) Regulations and not having been so reinstated; or

- (iii) after having been so reinstated in employment and not having left that employment except to engage in essential work, the Minister, in his discretion, may ; and
- (b) the war service of any person has, on the recommendation of the Director-General of Man Power or of a Deputy Director-General of Man Power, or of a person thereto authorized by the Director-General of Man Power or by a Deputy Director-General of Man Power, been terminated after the twentieth day of December, One thousand nine hundred and forty-four, for the purpose of enabling that person to engage in essential work, the Minister shall, notify the former employer (if any) in writing that the rights of the person to reinstatement in employment are reserved, and thereupon the person shall be deemed not to have completed a period of war service until such time as—
- (c) he receives from the Minister a statement in writing that his services are no longer required for essential work ; or
- (d) His Majesty ceases to be engaged in all the wars in which His Majesty was engaged at the date of commencement of this Division,
- whichever first happens.

(4.) Any notification or statement under the last preceding sub-section may be given to a former employer or a person by serving it upon him personally or by sending it to him by post in a letter addressed to his place of abode or business last known to the Minister, and, if it is sent by post, the former employer or the person shall, unless the contrary is proved, be deemed to have been notified or to have received the statement at the time at which the letter would be delivered in the ordinary course of post.

11.—(1.) An employer shall not terminate the employment of any person employed by him for the reason that that person is, or may become, liable to perform any war service.

Employers not to terminate employment by reason of liability of employees for war service.

Penalty : One hundred pounds.

(2.) In any proceedings for an offence arising under this section, if all the facts and circumstances constituting the offence, other than the reason for the defendant's action, are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.

12.—(1.) Any person who has completed a period of war service may apply to his former employer for reinstatement in employment

Application for reinstatement in employment.

(2.) An application under the last preceding sub-section shall be made not earlier than fourteen days prior to the completion of the period of war service and not later than one month after the completion of that period, or prior to the date to which the period during which the application may be made has been extended by a Reinstatement Committee in pursuance of section twenty-one of this Act.

Notice of date on which applicant will be available for employment.

13.—(1.) A person making application under the last preceding section may specify in the application a date, not later than two months after the date of making the application, as the date upon which the applicant will be available for employment.

(2.) Where the applicant does not so specify a date he shall, by notice in writing served personally or by post on the former employer, within the period of two months after the date on which the application was made, or prior to the date to which that period has been extended by a Reinstatement Committee in pursuance of section twenty-one of this Act, specify a date during that period or extended period as the date on which the applicant will be available for employment

Expiration and renewal of applications.

14.—(1.) An application which is still in force may be renewed from time to time by notice in writing served personally or by post on the former employer.

(2.) An application shall cease to have effect at the expiration of a period of three months after the date on which it was made or last renewed, as the case may be, or, if that period has been extended by a Reinstatement Committee in pursuance of section twenty-one of this Act, at the expiration of that extended period.

(3.) Whenever an application is renewed, the applicant shall specify in the notice a date, not later than two months after the date on which the application is renewed, as the date on which the applicant will be available for employment.

Signature of notices.

15. A notice under this Division may be signed by the applicant personally or by some person acting with his authority.

Reinstatement in employment.

16.—(1.) Where an application has been made under this Division and is still in force, the former employer shall make employment available to the applicant in accordance with this section at the date notified to him, or last notified to him, as the date on which the applicant will be available for employment or at the first opportunity (if any) at which it is practicable and reasonable to do so thereafter.

Penalty : One hundred pounds.

(2.) A former employer shall be deemed not to have made employment available to the applicant unless he has given reasonable notice thereof in writing to the applicant.

(3.) The employment to be made available under this section shall be employment—

(a) in the occupation in which the applicant was employed immediately prior to the commencement of his period of war service and under conditions not less favorable to him than those which would have been applicable to him in that occupation if he had remained in the employment of the former employer, including any increase of remuneration to which he would have become entitled if he had remained in that employment ; or

- (b) if the applicant and the former employer agree, or, in the event of disagreement, a Reinstatement Committee, upon application by either party, determines, that it is not practicable or is not reasonable for the former employer to employ the applicant in that occupation and on those terms and conditions—in an occupation and upon terms and conditions agreed on between the applicant and the former employer or, in the event of their disagreement, in an occupation and upon terms and conditions which the Reinstatement Committee determines to be reasonable and practicable.

(4.) Where several persons apply to a former employer to be reinstated in employment and it is not reasonably practicable for him to make employment available to each of those persons, the former employer shall make employment available to as many of those persons as is reasonably practicable and in the order which gives preference, as between any two applicants, to the applicant whose length of service with that employer was the greater at the date on which the applicant who first commenced a period of war service commenced that period of war service.

Penalty : One hundred pounds.

(5.) Where—

- (a) it is not reasonably practicable for a former employer to make employment available to an applicant without employing in some other occupation or under less favorable conditions some person who has been reinstated in accordance with this Division or in accordance with the National Security (Reinstatement in Civil Employment) Regulations, or without terminating the employment of that person ; and

- (b) the applicant was, prior to the date on which the applicant, or the date on which that person, first commenced his period of war service, whichever is the earlier, employed by the former employer for a longer period than that person was employed,

the former employer shall, as soon as it is practicable and reasonable for him to do so, employ that person in some other occupation or under less favorable conditions, or, if that is not reasonably practicable, shall terminate the employment of that person.

Penalty : One hundred pounds.

(6.) Where it is not reasonably practicable for a former employer to make employment available to an applicant without terminating the employment of some person who was employed to take the place of the applicant and who has not been reinstated in accordance with this Division or in accordance with the National Security (Reinstatement in Civil Employment) Regulations, the former employer shall terminate the employment of that person.

Penalty : One hundred pounds.

(7.) Where employment has been made available to a person in accordance with this section or in accordance with the National Security (Reinstatement in Civil Employment) Regulations and is not accepted by him at the date at which it is made available, the application shall cease to have effect unless, within fourteen days thereafter, the person applies to a Reinstatement Committee and that Committee determines that the person has reasonable cause for not so accepting that employment, in which event the application to the former employer shall be renewed forthwith in accordance with section fourteen of this Act.

Rights of
reinstated
employees.

17. Where any person has been reinstated in employment in accordance with this Division or in accordance with the National Security (Reinstatement in Civil Employment) Regulations then, for the purposes of determining the rights of that person, as against the employer in whose employment he has been reinstated, in respect of—

- (a) annual leave for recreation ;
- (b) leave on the ground of illness ;
- (c) long service leave or pay in lieu thereof (including pay to dependants on the death of the person) ; and
- (d) superannuation or pension (whether for himself or his dependants),

the continuity of the employment of that person by the employer shall be deemed not to have been broken by his absence from employment during any period between the date upon which that person left the employment to commence war service and the date upon which he was reinstated in employment, but that period shall not, by reason only of this section, be reckoned as part of the period of employment.

Termination of
employment
after
reinstatement

18.—(1.) Where an employer has reinstated a former employee in accordance with this Division, or in accordance with the National Security (Reinstatement in Civil Employment) Regulations, he shall not, except as required by sub-section (5.) of section sixteen of this Act or without reasonable cause, terminate the employment of that employee or vary it by employing the employee in an occupation, or under conditions, less favourable to him than the employment in which he was so reinstated.

Penalty : One hundred pounds.

(2.) In any proceedings for a contravention of this section, the onus shall, where the employment was terminated or varied within six months after reinstatement, be on the employer to prove that he terminated or varied the employment as required by sub-section (5.) of section sixteen of this Act or that he had reasonable cause for terminating or varying the employment and, in any other case, the onus shall be on the prosecutor.

Payment of
portion of
fine or
compensation
to employee.

19.—(1.) Where an employer is convicted of an offence under this Division—

- (a) the court may order that a portion of the fine imposed shall be paid to the employee or former employee concerned ; and

(b) whether or not an order has been made under the last preceding paragraph, the court may order that the employer shall pay to the employee or former employee such compensation as the court thinks reasonable.

(2.) In determining the amount of any compensation under the last preceding sub-section the court shall, where necessary, have regard to—

(a) the nature of the employment in respect of which the offence occurred ;

(b) the duration of that employment and whether, but for the offence, it was likely to have been permanent employment for that employee or former employee ;

(c) the prospects of the employee or former employee in respect of that employment ; and

(d) any other factors which the court considers relevant.

(3.) The like proceedings may be taken upon an order under paragraph (b) of sub-section (1.) of this section as if the order were a judgment or order of the court in favour of the employee or former employee.

20.—(1.) The Minister may appoint a Reinstatement Committee in each State and Territory of the Commonwealth.

Appointment of
Reinstatement
Committees.

(2.) Each Reinstatement Committee shall consist of a chairman, one member to represent persons who have rendered war service, one member to represent employers and one member to represent employees.

(3.) In the event of the illness or absence of the chairman of a Reinstatement Committee, any person appointed by the Minister to be a deputy chairman of the Committee shall have, and may exercise, all the powers and functions of the chairman.

(4.) Any acts done by a deputy chairman as such shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of his powers had not arisen or had ceased.

(5.) All questions before a Reinstatement Committee shall be decided by a majority of votes.

(6.) The chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7.) Panels of persons to represent persons who have rendered war service, to represent employers, and to represent employees, respectively, shall be selected in such manner as the Minister determines, and the members of a Reinstatement Committee, other than the chairman, shall be selected from the panels in such manner as the Minister determines.

(8.) A person shall not, at any meeting, act as a member of a Reinstatement Committee in relation to any matter in which that person has a direct interest as the applicant for reinstatement in employment or the employee, or as the employer or former employer, or as a member of the firm or company which is the employer or former employer.

(9.) The regulations may prescribe the manner in which applications may be made to, or disputes may be referred to, Reinstatement Committees and the procedure in relation to the hearing of such applications or disputes.

(10.) The members of Reinstatement Committees shall be paid remuneration and allowances at such rates (if any) as the Minister determines.

Extension of periods within which application, &c., may be made.

21.—(1.) A Reinstatement Committee may, on application by a person who has completed a period of war service, extend—

- (a) the period specified in sub-section (2.) of section twelve of this Act as the period within which that person may apply for reinstatement in employment ;
- (b) the period specified in sub-section (2.) of section thirteen of this Act as the period within which that person shall specify a date as the date on which he will be available for employment ; or
- (c) the period specified in sub-section (2.) of section fourteen of this Act as the period at the expiration of which an application shall cease to have effect,

if it is satisfied that the person made the application as early as it was practicable and reasonable for him to do so and that, by reason of illness or other reasonable cause, the application should be granted.

(2.) A Reinstatement Committee may extend any period specified in paragraph (a), (b) or (c) of the last preceding sub-section notwithstanding that that period has expired.

(3.) Where, after the expiration of the period specified in sub-section (2.) of section fourteen of this Act as the period at the expiration of which an application shall cease to have effect, a Reinstatement Committee has extended that period, the application shall thereupon revive and shall continue in force until the expiration of the extended period.

Division 2.—Preference in Employment.

Repeal of section 117 of the Australian Soldiers' Repatriation Act.

22.—(1.) Section one hundred and seventeen of the *Australian Soldiers' Repatriation Act 1920–1943* is repealed.

(2.) The *Australian Soldiers' Repatriation Act 1920–1943*, as amended by this section, may be cited as the *Australian Soldiers' Repatriation Act 1920–1945*.

Amendment of the Commonwealth Public Service Act.

23.—(1.) Section seven of the *Commonwealth Public Service Act 1922–1943* is amended by adding at the end of the definition of "Returned Soldier" the following words :—

" , and also includes a discharged member of the Forces within the meaning of the *Re-establishment and Employment Act 1945* ; "

(2.) Section eleven of the *Commonwealth Public Service Act 1922–1943* is amended by omitting sub-section (2.).

(3.) Section eighty-three of the *Commonwealth Public Service Act 1922–1943* is repealed.

(4.) Section eighty-four of the *Commonwealth Public Service Act 1922-1943* is amended—

(a) by omitting sub-sections (1.), (2.) and (3.); and

(b) by omitting sub-section (9.) and inserting in its stead the following sub-section :—

“(9.) In this section, ‘the war’ means the war which commenced on the fourth day of August, One thousand nine hundred and fourteen or the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after the latter date and before the date of commencement of Division 2 of Part II. of the *Re-establishment and Employment Act 1945*.”

(5.) Section one hundred and four of the *Commonwealth Public Service Act 1922-1943* is repealed.

(6.) The *Commonwealth Public Service Act 1922-1943*, as amended by this section, may be cited as the *Commonwealth Public Service Act 1922-1945*.

24.—(1.) The provisions of this Division shall apply to the exclusion of any provisions, providing for preference in any matter relating to the employment of discharged members of the Forces, of any law of the Commonwealth or of a Territory of the Commonwealth, or of any industrial award, order, determination or agreement made or filed under or in pursuance of any such law, and whether the law, award, order, determination or agreement was enacted, made or filed before or after the commencement of this section.

Provisions of this Division to be exclusive of other laws, &c.

(2.) The provisions of this Division shall apply to the exclusion of any provisions, providing for preference in any matter relating to the employment of discharged members of the Forces, of any law of a State, or of any industrial award, order, determination or agreement made or filed under or in pursuance of any such law, and whether the law, award, order, determination or agreement was enacted, made or filed before or after the commencement of this section.

25. In this Division, unless the contrary intention appears—

Interpretation.

“employer” includes an intending employer;

“employment” means remunerative employment and “employed” has a corresponding meaning;

“member of the Forces” includes a person who was, at any time during the war which commenced on the fourth day of August, One thousand nine hundred and fourteen, engaged on continuous full-time service as a member of—

(a) the Defence Force; or

(b) the Army Medical Corps Nursing Service;

“person entitled to preference” means—

(a) a member of the Forces who has been discharged or is awaiting discharge; and

(b) a person registered under section thirty-two of this Act.

Application.

26. The application of this Division shall extend in relation to employment by the Crown in right of the Commonwealth or a State or by any authority constituted by or under any law of the Commonwealth or of a State or Territory of the Commonwealth.

Preference in employment.

27.—(1.) An employer shall, in the engagement of any person for employment, engage, in preference to any other person, a person entitled to preference, unless he has reasonable and substantial cause for not doing so.

(2.) Any person entitled to preference may apply in writing to the employer concerned to be engaged for employment in any position notwithstanding that employment in the position has not been offered to him.

(3.) In determining whether reasonable and substantial cause exists for not engaging in employment a person entitled to preference, the employer concerned shall consider—

- (a) the length, locality and nature of the service of that person ;
- (b) the comparative qualifications of that person and of other applicants for engagement in employment in the position concerned ;
- (c) the qualifications required for the performance of the duties of the position ;
- (d) the procedure (if any) provided by law for engaging persons for employment in the position ; and
- (e) any other relevant matters.

(4.) In determining, as between two or more persons entitled to preference who are applicants for engagement in employment, which of those persons shall be engaged in employment, the employer shall consider—

- (a) the matters referred to in paragraphs (a), (c), (d) and (e) of the last preceding sub-section ; and
- (b) the comparative qualifications of those persons.

(5.) Nothing in this section shall—

- (a) apply in relation to the engagement for employment by any employer of a person who is already employed by him ; or
- (b) require the engagement in employment of a person who has, since the termination of his service, been convicted of an offence of such a nature that he is unsuitable for engagement in that employment.

Applications to Court by persons considering themselves entitled to preference in employment.

28.—(1.) Where any person whom an employer has refused to engage in employment considers that, having regard to the provisions of the last preceding section, the employer should have engaged him in employment, that person may apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate for an order under this section.

(2.) On the hearing of the application, the court shall have regard to the matters specified in sub-section (3.) or sub-section (4.) (which-ever is applicable) of the last preceding section and shall make such order as it thinks just and reasonable in the circumstances.

(3.) The court shall not, on the hearing of the application, make an order directing an employer to engage a person in employment in any position if the court is satisfied that that person—

- (a) would be unable to perform the duties of the position by reason of lack of skill or a reasonable degree of efficiency ;
- (b) is physically or mentally unfit to perform the duties of the position ; or
- (c) has, since the termination of his service, been convicted of an offence of such a nature that he is unsuitable for engagement in that employment.

(4.) Except as provided by the next succeeding section, the decision of the court shall be final and conclusive.

29.—(1.) The Commonwealth Court of Conciliation and Arbitration may, if it thinks fit, grant special leave to appeal from any order under the last preceding section, and, in any such case, that Court shall have jurisdiction to hear the appeal. Appeals.

(2.) The Commonwealth Court of Conciliation and Arbitration may affirm, reverse or modify the order appealed from, and may make such order as ought to have been made in the first instance.

(3.) The decision of the Commonwealth Court of Conciliation and Arbitration shall be final and conclusive.

(4.) The jurisdiction of the Commonwealth Court of Conciliation and Arbitration under this section shall be exercised by a single Judge.

30. An employer shall not, without reasonable cause, terminate the employment of any person whom he has engaged in employment in accordance with the provisions of this Division. Persons not to be dismissed without reasonable cause.

31.—(1.) The Minister may appoint a Central Preference Board and, in each State and Territory of the Commonwealth, one or more Regional Preference Boards. Preference Boards.

(2.) Each Preference Board shall consist of a chairman, one member to represent persons who have rendered war service, one member to represent employers and one member to represent employees.

(3.) In the event of the illness or absence of the chairman of a Preference Board, any person appointed by the Minister to be a deputy chairman of the Board shall have, and may exercise, all the powers and functions of the chairman.

(4.) Any act done by a deputy chairman shall not, in any proceedings, be questioned on the ground that the occasion for the exercise of his powers had not arisen or had ceased.

(5.) All questions before a Preference Board shall be decided by a majority of votes.

(6.) The chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(7.) Panels of persons to represent persons who have rendered war service, to represent employers, and to represent employees, respectively, shall be selected in such manner as the Minister determines, and the members of a Preference Board, other than the chairman, shall be selected from the panels in such a manner as the Minister determines.

(8.) Unless in any particular case the Minister is satisfied that it is not practicable, a majority of the members of a Preference Board selected from the panels shall be persons who have been members of the Forces.

(9.) A person shall not, at any meeting, act as a member of a Preference Board in relation to any matter in which that person has an interest, whether personally or as a member of a firm or company.

(10.) A Preference Board shall exercise such powers and functions as are prescribed.

(11.) The members of Preference Boards shall be paid remuneration and allowances at such rates (if any) as the Minister determines.

Registration
of certain
persons
entitled to
preference.

32.—(1.) Where any person not otherwise entitled to the benefits of this Division considers that, having regard to the service performed by him in relation to the war, he is entitled to receive the benefits of this Division, he may apply to the Central Preference Board for registration.

(2.) After the prescribed date, any such application shall be made to a Regional Preference Board.

(3.) If the Board to which the application is made considers that that person is so entitled, the Board shall, subject to the next succeeding sub-section, register him accordingly.

(4.) There shall be an appeal to the Central Preference Board from any decision of a Regional Preference Board under this section.

Offences.

33.—(1.) A person who contravenes or fails to comply with any provision of this Division, or contravenes or fails to comply with any order of a court made under this Division, shall be guilty of an offence punishable on conviction by a fine not exceeding One hundred pounds or imprisonment for a period not exceeding six months, or both.

(2.) Where a person is convicted of an offence under this section, the court may order that a portion of the fine imposed shall be paid to such person entitled to preference as the court specifies in the order.

Operation of
sections 24
to 33.

34. Sections twenty-four to thirty-three (inclusive) of this Act shall cease to operate at the expiration of seven years after the cessation of hostilities in all the wars in which His Majesty was engaged at the date of commencement of this Division.

Division 3.—Apprenticeship.

35.—(1.) Section forty A of the *Defence Act* 1903–1941 is amended by omitting all the words after the words “Military Forces”.

Amendment of
the Defence
Act.

(2.) Section forty B of the *Defence Act* 1903–1941 is repealed.

(3.) The *Defence Act* 1903–1941, as amended by this section, may be cited as the *Defence Act* 1903–1945.

36.—(1.) In this Division—

Interpretation.

“Apprenticeship Authority” means any person or body authorized by the Minister, by notice in the *Gazette*, to exercise and perform the powers and functions of an Apprenticeship Authority under this Division;

“employer” includes the Crown (whether in right of the Commonwealth or of a State) and any authority constituted by or under the law of the Commonwealth or of a State or Territory of the Commonwealth;

“trainee apprentice” means a person who is employed in a trade without indentures or other written contract of apprenticeship for the purpose of learning to be a skilled journeyman.

(2.) In this Division, any reference to an employer shall, in relation to a person who is rendering or has rendered war service, include a reference to any person for the time being—

(a) carrying on an undertaking or service in which the first mentioned person was employed immediately prior to the commencement of his war service; or

(b) carrying on an undertaking or service with which that undertaking or service has been amalgamated or in which, immediately prior to the commencement of the employee's war service, it was comprised.

37. Where an apprentice has become or becomes engaged on war service and an Apprenticeship Authority has not already been notified by the apprentice's employer, the employer shall forthwith notify an Apprenticeship Authority accordingly.

Employers
to notify
Apprenticeship
Authorities
of apprentices
engaged on
war service.

Penalty: Fifty pounds.

38. Where an apprentice, whether before or after the commencement of this Division, is or has been absent from his usual employment by reason of his being engaged on war service for a period exceeding one week, his contract of apprenticeship shall be deemed to have been suspended during the period of his absence and shall remain suspended until it is revived, transferred or cancelled in accordance with this Division.

Suspension of
contracts of
apprenticeship.

39.—(1.) An apprentice who has been absent from his usual employment by reason of his being engaged on war service may, within two months after he ceases to be so engaged, make application to an Apprenticeship Authority for the revival of the contract of apprenticeship.

Revival of
contracts of
apprenticeship.

(2.) Forthwith on receipt of the application, the Apprenticeship Authority shall give notice in writing to the employer of the receipt of the application, and the employer may, within fourteen days after the receipt of the notice, lodge an objection in writing to the revival of the contract of apprenticeship on the ground that he is no longer in a position to undertake the proper training of the apprentice.

(3.) Forthwith after the expiration of the time for lodging objection, the Apprenticeship Authority shall consider the application and any objection received from the employer, and shall—

- (a) determine that the contract of apprenticeship shall, as from such date as it specifies, be revived ; or
- (b) if the Apprenticeship Authority is satisfied that the employer is no longer in a position to undertake the proper training of the apprentice, authorize the transfer of the contract of apprenticeship to another employer, or, if that is impracticable, cancel the contract of apprenticeship.

(4.) Where the Apprenticeship Authority determines that the contract of apprenticeship shall be revived, it shall have effect as from the date specified by the Apprenticeship Authority.

Failure to make application.

40. If any apprentice fails to make application within the time prescribed by the last preceding section, the Apprenticeship Authority shall, on application by the employer, cancel the contract of apprenticeship unless the Apprenticeship Authority is satisfied that the failure to make the application was occasioned by mistake, absence from the Commonwealth or other reasonable cause.

Right to employment.

41.—(1.) Where a contract of apprenticeship is revived, the apprentice shall be entitled to resume his apprenticeship under the contract, and shall have absolute preference in employment over any apprentice engaged during his absence on war service, and the employer shall not refuse to permit the apprentice to resume his employment.

Penalty : One hundred pounds.

(2.) Where a contract of apprenticeship is revived, the Apprenticeship Authority may, if it considers it necessary so to do in order to protect the interests of any apprentice engaged during the period during which the contract was suspended—

- (a) if the number of apprentices who may be employed by the employer is limited by any law of the Commonwealth or of a State or Territory of the Commonwealth, or by any industrial award, order, determination or agreement—determine the number of apprentices who may be employed by the employer ; and
- (b) in any event—authorize the transfer of any contract of apprenticeship to another employer.

(3.) Where the Apprenticeship Authority, in pursuance of the last preceding sub-section, determines the number of apprentices who may be employed by an employer, the employer may employ that number of apprentices.

42.—(1.) An Apprenticeship Authority may, in exercising its powers under section thirty-nine of this Act, review the contract of apprenticeship, and may vary any of its provisions in such a manner and to such extent as it deems just and equitable, and, if satisfied that the capabilities of the apprentice for the exercise of his trade have increased during the period of suspension of his contract of apprenticeship, may direct that the period or any portion of the period shall be included in the term of apprenticeship.

Variation of contracts of apprenticeship in certain circumstances.

(2.) Where an Apprenticeship Authority, in pursuance of the last preceding sub-section, varies any of the provisions of a contract of apprenticeship, or directs that the period, or any portion of the period during which a contract of apprenticeship was suspended, shall be included in the term of apprenticeship, the contract shall be deemed to be so varied, and the apprentice shall, for all purposes, be deemed to have served that period, or portion of that period, under and in accordance with the contract of apprenticeship in continuation of the period served by him prior to the suspension of the contract of apprenticeship.

43. Where a contract of apprenticeship in a trade, occupation or calling is revived by an Apprenticeship Authority and that authority does not direct that the whole of the period during which the contract was suspended shall be included in the term of apprenticeship, the prescribed authority may authorize the payment, during the time during which the apprentice is completing his apprenticeship, of an allowance at such a rate as, in the opinion of the prescribed authority, will ensure to the apprentice an income by way of wages and allowance equivalent to the wage he would have been earning in that trade, occupation or calling if his contract of apprenticeship had not been suspended.

Allowances to apprentices in certain cases.

44. The provisions of this Division shall apply, *mutatis mutandis*, to and in relation to trainee apprentices and the employers of trainee apprentices in the same manner and to the same extent as those provisions apply to and in relation to apprentices and the employers of apprentices, and any reference in this Division to a contract of apprenticeship shall include a reference to a contract of apprenticeship of a trainee apprentice.

Trainee apprentices.

45. An application to an Apprenticeship Authority under the National Security (Apprenticeship) Regulations shall have effect as if it had been made to the Apprenticeship Authority in pursuance of this Division, and any determination or direction of an Apprenticeship Authority under those regulations shall have effect as if it had been made in pursuance of this Division.

Saving.

Division 4.—Modification of Conditions of Entry to Employment.

46.—(1.) The Governor-General may make regulations modifying or suspending, in relation to discharged members of the Forces—

Modification of conditions of entry into employment.

(a) the requirements by way of training or practical experience, the completion of any course of study, the passing of any

- examination or the holding of any degree or diploma, to be complied with by persons desiring to engage in any profession, occupation, business, trade or industry ; and
- (b) the requirement that a person shall obtain a licence, permit or other authority in relation to any profession, occupation, business, trade or industry.

(2.) The Governor-General may make regulations providing that a specified proportion of any licences, permits or other authorities required in relation to any profession, occupation, business, trade or industry shall be granted to discharged members of the Forces.

(3.) A regulation under this Division shall have effect according to its tenor notwithstanding anything inconsistent therewith in any other law.

Division 5.—The Commonwealth Employment Service:

Establishment
of the
Commonwealth
Employment
Service.

47.—(1.) There shall be a Commonwealth Employment Service.

(2.) The Minister may, for the purposes of the Commonwealth Employment Service, establish and maintain Commonwealth Employment Offices at such places as he thinks fit.

Functions of
Commonwealth
Employment
Service.

48. The functions of the Commonwealth Employment Service shall be to provide services and facilities in relation to employment for the benefit of persons seeking to become employed, to change employment or to engage labour, to provide facilities to assist in bringing about and maintaining a high and stable level of employment throughout the Commonwealth and, in particular, but without limiting the generality of the foregoing—

- (a) to provide facilities to assist in the re-employment of discharged members of the Forces, including facilities relating to the operation of the preceding Divisions of this Part and to the operation of Part IV. of this Act ;
- (b) to provide facilities to assist in the re-establishment of civilians who have been engaged in war work ;
- (c) to aid any person who has been trained (whether under Part III. of this Act or otherwise) to become employed in the manner best suited to his training, experience, abilities and qualifications ;
- (d) to provide means whereby any person whose name is entered in the Register of Disabled Persons referred to in Part IV. of this Act may obtain employment ;
- (e) to afford occupational advice, vocational guidance and other services to facilitate the engagement in employment and continued employment of persons in the manner best suited to their experience, abilities and qualifications ;
- (f) to provide means whereby any person in receipt of unemployment benefit under the *Unemployment and Sickness Benefits Act 1944*, or of a re-employment allowance under Division 2 of Part VI. of this Act, may obtain employment ; and
- (g) to provide such advice and information services, and such other facilities in relation to employment, or to matters connected with employment, as the Minister determines.

49.—(1.) The Minister may appoint such committees as he thinks fit to advise him on matters relating to the administration of this Division. Committees to advise Minister.

(2.) The members of committees so appointed shall be paid such remuneration and allowances (if any) as the Minister determines.

PART III.—VOCATIONAL TRAINING.

50.—(1.) The Minister may, on behalf of the Commonwealth, establish a scheme, to be known as the Commonwealth Reconstruction Training Scheme, for the vocational training (including training for a professional occupation or for an agricultural occupation) of such classes of discharged members of the Forces and of other persons as are prescribed. Provision of training facilities.

(2.) The Minister may, on behalf of the Commonwealth, make arrangements with any State for the use, for the purposes of this Part, of any services and facilities of the State in relation to vocational training (including training for a professional occupation or for an agricultural occupation).

(3.) Any such arrangement may provide for the extension of any such services and facilities of the State and for the use of those services and facilities as extended in pursuance of the arrangement.

(4.) The Minister may, on behalf of the Commonwealth, provide, or arrange for the provision of, facilities in connexion with any such scheme.

(5.) The Commonwealth shall, subject to such conditions as are prescribed, pay to persons eligible for, or undergoing, training under this Part such allowances and expenses as are prescribed.

(6.) The Commonwealth may, subject to such conditions as are prescribed, pay tuition and other like fees on behalf of persons undergoing training under this Part.

(7.) The Commonwealth may, subject to such conditions as are prescribed, provide or supply to persons undergoing training under this Part, or arrange for the provision or supply to such persons, of such books, equipment, appliances and tools of trade as are necessary in connexion with the training.

51.—(1.) For the purposes of this Part there shall be a Central Reconstruction Training Committee. Central Reconstruction Training Committee.

(2.) The Committee shall consist of a chairman and such number of other members as the Minister determines.

(3.) The members of the Committee shall be appointed by the Minister and shall hold office on such terms and conditions as he determines.

(4.) The functions of the Central Reconstruction Training Committee shall be—

- (a) to advise and assist the Minister with respect to such matters affecting the administration of the Commonwealth Reconstruction Training Scheme as are referred to it by the Minister; and

(b) to supervise the conduct of the business of the Regional Training Committees,
together with such additional functions as the Minister determines.

Regional
Training
Committees,
Industrial
Committees and
Professional
Committees.

52.—(1.) The Minister may, on the recommendation of the Central Reconstruction Training Committee, establish such Regional Training Committees, Industrial Committees and Professional Committees as he thinks fit.

(2.) Each such committee shall consist of a chairman and such number of other members as the Minister determines.

(3.) The members of each such committee shall be appointed by the Minister and shall hold office on such terms and conditions as the Minister determines.

(4.) Each such committee shall assist in the administration of the Commonwealth Reconstruction Training Scheme and shall have such additional functions as the Minister determines.

Saving of
certain rights.

53. Nothing done under this Part shall deprive any employer or employee of any rights under any industrial award, order, determination or agreement, or in accordance with any custom or usage in any profession, occupation, business, trade or industry.

Regulations.

54. The regulations may prescribe matters providing for or in relation to—

- (a) the selection of persons for training, or for any particular kind of training ;
- (b) the method and time of application for training ;
- (c) the payment of expenses to members of the Central Reconstruction Training Committee, the Regional Training Committees, the Industrial Committees and the Professional Committees established under this Part ;
- (d) the giving effect to any scheme for the training of persons under this Part agreed upon between the Commonwealth and any organization composed of or representative of employers or employees ; and
- (e) such other matters as are necessary or convenient for carrying out or giving effect to this Part.

PART IV.—DISABLED PERSONS.

Interpretation.

55. In this Part, “disabled person” means a discharged member of the Forces, or a person included in any prescribed class of persons, who, by reason of injury, disease or deformity, is substantially handicapped in obtaining, or maintaining himself in, employment, or in undertaking work on his own account, of a kind which, but for that injury, disease or deformity, would, in the opinion of the Minister, be suitable to his age, experience and qualifications, and “disablement” has a corresponding meaning.

Register of
Disabled
Persons.

56.—(1.) The regulations may provide for the establishment and maintenance of a Register of Disabled Persons (in this Part referred to as “the Register”).

(2.) A person who desires his name to be entered in the Register shall make application in the prescribed manner and if the authority maintaining the Register is satisfied—

- (a) that the applicant is a disabled person ;
- (b) that such prescribed conditions as to the entry of the name in the Register as are applicable to the applicant are complied with ; and
- (c) that the applicant is not subject to any prescribed disqualification,

his name shall be entered in the Register.

57.—(1.) The Minister may, on behalf of the Commonwealth, provide, or arrange for the provision of, facilities for making persons whose names are entered in the Register, or who are included in prescribed classes of such persons, and who, by reason of their disablement, are in need of special treatment, fit to undertake training, to obtain employment and to maintain themselves in employment or to work on their own account.

Special treatment for disabled persons.

(2.) The facilities referred to in the last preceding sub-section may include training, exercise, occupational and other therapy and other facilities under medical supervision and under circumstances likely to restore the persons concerned to physical and mental fitness.

58.—(1.) The Commonwealth shall pay to disabled persons whose names are entered in the Register such allowances and expenses and at such rates and subject to such conditions, as are prescribed.

Allowances to disabled persons.

(2.) The rate per week of any allowance payable to a disabled person under this section shall not exceed the rate per week of the allowance which would be paid to that person if he were in receipt of a re-employment allowance under Division 2 of Part VI. of this Act.

(3.) An allowance under this section shall not be payable in respect of any period after the expiration of three months, or, in special circumstances, six months, from the date on which the name of that person was entered in the Register.

59. The Minister may, on behalf of the Commonwealth, subject to the prescribed conditions, provide, or arrange for the provision for disabled persons whose names are entered in the Register, of such books, equipment, appliances, tools of trade, artificial replacements, surgical aids and appliances as are necessary, and may also provide for the payment to disabled persons of expenses incidental to the provision of facilities under this Part.

Provision of books, &c., for disabled persons.

60. A person shall not be entitled to receive any assistance or benefit under any of the last three preceding sections if that person is entitled to receive the like assistance or benefit from the Repatriation Commission.

Persons not entitled to double benefits.

61.—(1.) The regulations may provide for the employment by employers of any class specified in the regulations of—

Employment of disabled persons.

- (a) a specified number of disabled persons whose names are entered in the Register ; or

(b) a specified proportion of disabled persons whose names are entered in the Register to other employees.

(2.) In this section, "employers" includes the Crown in right of the Commonwealth or of a State and any authority constituted by or under any law of the Commonwealth or of a State or Territory of the Commonwealth.

Advisory
Committees.

62.—(1.) The Minister may appoint one or more committees consisting of a chairman and such number of persons (being, in the opinion of the Minister, representative of Commonwealth or State authorities and other bodies concerned with the welfare of disabled persons and of employers and employees) as the Minister determines.

(2.) Each such committee shall advise the Minister as to the administration of the provisions of this Act in so far as they relate to disabled persons.

PART V.—DEMobilIZATION.

Demobilization.

63.—(1.) The regulations may provide for the preparation and administration of a scheme for the demobilization of members of the Forces (other than members of the Forces specified in paragraph (f) or (g) of the definition of "member of the Forces" in section four of this Act), having regard to their re-establishment in civil life.

(2.) The scheme shall be prepared so as to apply, so far as is practicable, uniformly to members of the Military Forces, the Naval Forces and the Air Force.

(3.) The provisions of the scheme so prepared shall have effect notwithstanding anything inconsistent therewith in any Act other than this Act.

PART VI.—RE-ESTABLISHMENT ASSISTANCE

Division 1.—Re-establishment Leave.

Leave on
discharge.

64. A member of the Forces (other than a member of the Forces specified in paragraph (e), (f) or (g) of the definition of "member of the Forces" in section four of this Act) shall, immediately prior to his discharge from the Defence Force, unless his discharge is, in the opinion of the prescribed authority, other than an honourable discharge, be entitled to leave of absence (to be known as re-establishment leave)—

(a) where the member has been engaged on war service for a period of not less than six months—for a period of thirty days; and

(b) in any other case—for a period of fifteen days.

Payment
in lieu of
leave.

65.—(1.) A member of the Forces may be discharged before entering upon re-establishment leave, or before completing his period of re-establishment leave, and in that case he shall be paid a sum equivalent to his pay for the period of leave, or the uncompleted period of leave, as the case may be.

(2.) For the purpose of the last preceding sub-section, "pay" includes such allowances as are prescribed.

Division 2.—Re-employment Allowances.

66.—(1.) In this Division, unless the contrary intention appears— Interpretation.

“adult dependant”, in relation to any person, means a person who is the spouse, widowed mother or unmarried mother of, and is substantially dependent for his or her support on, the first-mentioned person ;

“child”, in relation to any person, means a person under the age of sixteen years who is a child (including a step-child, illegitimate child or adopted child) of, and is substantially dependent for his support on, the first-mentioned person ;

“claim” means a claim for a re-employment allowance ;

“claimant” means a person claiming a re-employment allowance ;

“re-employment allowance” means a re-employment allowance under this Division.

(2.) For the purposes of this Division, where a person who, although not legally married to another person, was, immediately prior to that other person’s engagement on war service, substantially dependent for his or her support on that other person and was recognized as the wife or husband of that other person, the first-mentioned person shall be deemed to be the spouse of that other person, but nothing in this sub-section shall be deemed to deprive the wife or husband of that other person of any right to receive a re-employment allowance to which the wife or husband would have been entitled if this sub-section had not been enacted.

67.—(1.) The prescribed authority may, subject to this Division, determine claims. Determination of claims.

(2.) Whenever it appears to the prescribed authority that sufficient reason exists for reviewing any determination under this Division, he may review, and may confirm, vary or annul the determination.

68.—(1.) The prescribed authority may, for the purposes of this Division— Taking of evidence and production of documents.

(a) summon witnesses ;

(b) receive evidence on oath ; and

(c) require the production of documents.

(2.) A person who has been summoned to appear before the prescribed authority shall not, without lawful excuse and after tender of reasonable expenses, fail to appear in obedience to the summons.

(3.) A person, whether summoned or not, who appears before the prescribed authority shall not—

(a) refuse to be sworn as a witness or to make an affirmation ;

(b) fail to answer any question which he is lawfully required to answer ; or

(c) fail to produce any document he is lawfully required to produce.

Penalty : Fifty pounds.

Delegation.

69.—(1.) The prescribed authority may, by writing under his hand, delegate to any person all or any of his powers and functions under this Division (except this power of delegation) so that the delegate may exercise the powers and functions specified in the instrument of delegation.

(2.) Where the exercise of any power or function by the prescribed authority, or the operation of any provision of this Division, is dependent upon the opinion, belief, or state of mind of the prescribed authority in relation to any matter, that power or function may be exercised by the delegate of the prescribed authority, or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(3.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the prescribed authority.

(4.) Any reference in this Division to the prescribed authority shall, in relation to any matter, include a reference to the delegate of the prescribed authority exercising any power or function in relation to that matter.

Secrecy.

70. The prescribed authority and any other person performing duties, or exercising powers and functions, under this Division—

- (a) shall not, directly or indirectly, except in the performance of his duties or in the exercise of his powers or functions under this Division, and while he has, or after he has ceased to have, any such duties, powers or functions, make a record of, or divulge or communicate to any person, any information acquired by him in the performance of those duties, or in the exercise of those powers or functions, with respect to the affairs of any other person ;
- (b) shall, if the Minister or prescribed authority so directs, before entering upon his duties, or exercising any powers or functions, under this Division, make before a Justice of the Peace or a Commissioner for Declarations a declaration in accordance with the prescribed form ; and
- (c) shall not be required to produce in court any claim or determination of a claim, or to divulge or to communicate to any court any matter or thing coming under his notice in the performance of his duties, or in the exercise of his powers or functions, under this Division, except where it is necessary to do so, for the purpose of carrying into effect the provision of this Division.

Penalty : Two hundred and fifty pounds.

71.—(1.) Notwithstanding anything contained in the last preceding section, the prescribed authority, or any other person performing duties or exercising powers and functions under this Division, may—

- (a) if the Minister or prescribed authority certifies that it is necessary in the public interest that any information acquired by him in the performance of those duties, or in

the exercise of these powers and functions, should be divulged, divulge that information to such person as the Minister or the prescribed authority directs ;

(b) divulge any such information to any prescribed person.

(2.) Any person to whom information is divulged under the last preceding sub-section, and any person or employee under the control of that person, shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities under paragraphs (a) and (c) of the last preceding section as if he were a person performing duties under this Division and had acquired the information in the performance of those duties.

72. Subject to this Division, a discharged member of the Forces—

(a) who, in the opinion of the prescribed authority—

(i) has been honourably discharged after not less than six months' war service ; or

(ii) has been materially prejudiced by reason of his war service and has been honourably discharged after less than six months' war service ;

(b) who is not in receipt of any payment under Division 1 of this Part ;

(c) who is residing in Australia ; and

(d) who satisfies the prescribed authority that he—

(i) is unemployed and that his unemployment is not due to his being a direct participant in a strike ;

(ii) is capable of undertaking, and is willing to undertake work which, in the opinion of the prescribed authority, is suitable to be undertaken by him ; and

(iii) has taken reasonable steps to obtain such work.

shall be qualified to receive a re-employment allowance.

Re-employment allowance for discharged members of the Forces.

73. A discharged member of the Forces shall not be qualified to receive a re-employment allowance if, since his discharge or the cessation of hostilities in all the wars in which His Majesty was engaged at the date of commencement of this Division, whichever is the later, he has been employed for a period or periods exceeding six months in the aggregate.

Disqualification in certain cases.

74. A person shall not be disqualified from receiving a re-employment allowance by reason only of his refusal to undertake work which has become available by reason of a strike or lock-out.

Persons not to be disqualified in certain cases.

75. A married woman shall not be qualified to receive a re-employment allowance unless the prescribed authority is satisfied that it is not reasonably possible for her husband to maintain her or that her husband is not under any legal obligation to maintain her.

Married women.

76.—(1.) Subject to this Division, the rate of a re-employment allowance shall be—

Rate of re-employment allowance.

(a) in the case of a man—Two pounds ten shillings per week ;

- (b) in the case of a woman who is, in the opinion of the prescribed authority, capable of wholly or substantially maintaining herself by her own efforts—Two pounds ten shillings per week; and
 - (c) in the case of a woman who is, in the opinion of the prescribed authority, capable of partially maintaining herself by her own efforts—such proportion of the amount specified in the last preceding paragraph as the prescribed authority determines.
- (2.) The rate of a re-employment allowance payable under the last preceding sub-section shall be increased, or further increased, as the case may be—
- (a) in the case of a person with one or more adult dependants—by One pound two shillings per week; and
 - (b) in the case of a person with one or more dependent children—by Nine shillings per week in respect of each dependent child, but not exceeding in the aggregate One pound seven shillings per week in the case of a person with an adult dependant or Two pounds five shillings in any other case.

Reduction of
re-employment
allowance.

77. The rate per week of the re-employment allowance payable to any person shall be reduced by the amount (if any) of—

- (a) any pension payable to that person or to any dependant of that person;
- (b) any allowance (including sustenance allowance) or workers' compensation payable to that person or to any dependant of that person under any law of the Commonwealth or of a State or Territory of the Commonwealth; and
- (c) any amount earned or derived by that person from any permanent, temporary, casual or intermittent employment or occupation.

Period for
which
re-employment
allowance
payable.

78.—(1.) Subject to the next succeeding sub-section, a re-employment allowance shall be payable from such date and shall continue for such period or periods, not exceeding, in the aggregate, three months, or, in special circumstances, six months, as the prescribed authority determines.

(2.) A re-employment allowance shall not be payable to any person in respect of any period after the expiration of twelve months from—

- (a) the date of his discharge; or
 - (b) in the case of a person discharged while a patient in hospital the date of his ceasing to be such a patient,
- or from the cessation of hostilities in all the wars in which His Majesty was engaged at the date of commencement of this Division, whichever is the later.

Claims for
re-employment
allowances.

79.—(1.) A claim for a re-employment allowance shall be made in accordance with such form and in such manner as the prescribed authority determines.

(2.) Every claim shall be investigated in such manner as the prescribed authority determines.

80. Subject to this Division, a re-employment allowance shall be paid to a person only so long as the prescribed authority is satisfied that that person continues to be qualified to receive it.

Re-employment allowance to be paid only while recipient qualified.

81. The prescribed authority may postpone for such period as he thinks fit the date from which a re-employment allowance shall be payable to any person, or may cancel the payment of a re-employment allowance to any person, as the case requires—

Postponement and cancellation of re-employment allowances in certain cases.

- (a) if that person voluntarily became unemployed without good and sufficient reason ;
- (b) if that person became unemployed by reason of his misconduct as a worker ;
- (c) if that person has refused or failed, without good and sufficient reason, to accept an offer of employment which the prescribed authority considers to be suitable ; or
- (d) if that person becomes imprisoned or an inmate of a hospital for the insane.

82. A re-employment allowance shall be paid, in such manner as the prescribed authority determines, to the person entitled thereto, but the prescribed authority may determine that the whole or part of the allowance shall be paid to such other person as the prescribed authority approves, in which case payment shall be made accordingly

Manner of payment of re-employment allowance.

83.—(1.) Whenever so required by the prescribed authority, a person in receipt of a re-employment allowance shall furnish to the prescribed authority a statement, in accordance with a form approved by the prescribed authority, relating to any matter which might affect the payment to him of the re-employment allowance.

Beneficiaries to furnish statements as required.

Penalty : Twenty pounds.

(2.) If, for any reason, the prescribed authority is satisfied that the payment of a re-employment allowance to any person should be cancelled, or that the rate of a re-employment allowance paid to any person is greater or less than it should be, he may cancel the payment of the allowance, or reduce or increase the rate of the allowance, paid to that person accordingly.

84.—(1.) Re-employment allowances shall be payable in weekly instalments on such days as the prescribed authority determines.

Re-employment allowances to be paid weekly.

(2.) Where payment of any instalment of a re-employment allowance has not been made within one month after the date on which the instalment became payable, the instalment shall not (unless the prescribed authority, in special circumstances, otherwise determines) be paid.

85. Subject to this Division, re-employment allowances shall be absolutely inalienable, whether by way of, or in consequence of, sale, assignment, charge, execution, bankruptcy or otherwise.

Re employment allowances to be absolutely inalienable.

Information as
to recipients of
re-employment
allowances.

86. The prescribed authority may require any person whom he believes to be in a position to do so to furnish to him a confidential report relating to any matter which might affect the payment of a re-employment allowance to any person and a person so required shall not fail to furnish the report accordingly within a reasonable time and shall not furnish a report which is false or misleading in any particular.

Penalty : Fifty pounds or imprisonment for three months.

Receipt of
income by
recipient of
re-employment
allowance to
be notified.

87. Whenever—

- (a) any person in receipt of a re-employment allowance earns, derives or receives any income or other payment the receipt of which affects the rate of the re-employment allowance payable to him ; or
- (b) any person in receipt of a re-employment allowance earns, derives or receives any income or other payment which was not received by him when the re-employment allowance was granted,

he shall, within seven days after the acquisition or receipt thereof, give notice to the prescribed authority accordingly.

Penalty : Twenty pounds.

Recovery of
over-payments.

88. Where, in consequence of any false statement or representation, or in consequence of any failure to give notice as required by the last preceding section, any amount has been paid by way of re-employment allowance which would not have been paid but for the false statement or representation, or failure to give notice, or where any amount of re-employment allowance which is not payable has been paid, the amount so paid shall be recoverable in any court of competent jurisdiction from the person to whom, or on whose account, the amount was paid, or from the estate of that person, as a debt due to the Commonwealth.

Offences.

89.—(1.) A person shall not—

- (a) make, either orally or in writing, a false or misleading statement in connexion with, or in support of, any claim, either for himself or for any other person ;
- (b) obtain payment of a re-employment allowance or any instalment thereof which is not payable ;
- (c) obtain payment of a re-employment allowance or any instalment thereof by means of any false or misleading statement ;
or
- (d) make or present to any officer doing duty in relation to this Division any statement or document which is false in any particular.

Penalty : Fifty pounds or imprisonment for three months.

(2.) Any person convicted of an offence against this section may, in addition to the penalty imposed for the offence, be ordered to repay to the Commonwealth any amount paid by way of re-employment allowance in consequence of the act in respect of which he was convicted.

90. Nothing contained in any law of a State or Territory of the Commonwealth shall operate so as to prohibit any person from furnishing any information, or making any books, documents or papers available, to the prescribed authority or to any other person doing duty in relation to this Division, for the purposes of this Division.

Indemnity to certain persons.

Division 3.—Re-establishment Loans.

91.—(1.) In this Division—

Interpretation.

“agricultural occupation” includes an occupation by way of farming, horticultural, viticultural, apicultural, dairy farming, poultry farming, pastoral or grazing operations or any other prescribed form of primary production ;

“eligible person” means—

(a) a discharged member of the Forces who—

- (i) in the opinion of the prescribed authority, has been honourably discharged after not less than six months' war service or has been materially prejudiced by reason of his war service and has been honourably discharged after less than six months' war service ; and
- (ii) was, immediately prior to his engagement on war service, engaged in an occupation, business or practice on his own account, as an active member of a partnership, as a share-farmer or as a contract worker ; or

(b) the widow who has not re-married of a deceased member of the Forces—

- (i) whose death occurred in such circumstances that there is a liability under the *Australian Soldiers' Repatriation Act 1920-1945* to pay war pension in respect of his death or that there would be a liability if the widow were not rendered ineligible for war pension by virtue of a provision of that Act having effect irrespective of the circumstances of the death ; and
- (ii) who was, immediately prior to his engagement on war service, engaged in an occupation business or practice on his own account, as an active member of a partnership, as a share-farmer or as a contract worker.

(2.) For the purposes of this Division, a person who, at the time of the occurrence of the event resulting in the death of a member of the Forces, was recognized as the wife of that person although not legally married to him, shall, if the prescribed authority is satisfied that that person was wholly or partly dependent upon the earnings of the member, be deemed to be the widow of that member and that member shall be deemed to have been her husband, but nothing in this sub-section shall prevent the making of a loan under this Division to the lawful widow of the member, or the guaranteeing under this Division of repayment of a loan (including interest thereon) made, or to be made, to her.

(3.) Where a person is not an eligible person by reason only that that person, or the husband of that person, was not, immediately prior to his engagement on war service, engaged in an occupation, business or practice on his own account, as an active member of a partnership, as a share-farmer or as a contract worker, the prescribed authority may, if it considers it desirable in the circumstances of the case, determine that that person shall be an eligible person.

Loans for
establishment
in business
or civil
occupatlon.

92.—(1.) Subject to this Division, the prescribed authority may, if, in its opinion, an eligible person is in need of financial assistance to enable him to establish or re-establish himself satisfactorily in civil life, make a loan to that person so that that person may—

- (a) purchase or take on lease any land or premises, purchase or take on lease any business, effect improvements on land, or purchase, take on hire or otherwise acquire tools of trade, stock, live-stock, plant or equipment, to enable him—
 - (i) to engage in or resume any occupation, business or practice, whether on his own account, as an active member of a partnership, as a share-farmer or as a contract worker ;
 - (ii) to expand or develop his business or practice ;
 - (iii) to establish a co-operative business with other persons ; or
 - (iv) to carry on an occupation, business or practice more efficiently ;
- (b) reduce or discharge any mortgage, charge, bill of sale or other encumbrance on property owned by him and used in his occupation, business or practice ;
- (c) fulfil his obligations under a hire purchase agreement in respect of property so used ;
- (d) pay any subscription, fee or other sum of money to enable or qualify him to engage in or resume any occupation, business or practice ; or
- (e) otherwise establish or re-establish himself in civil life by engaging in or resuming an occupation, business or practice whether on his own account, as an active member of a partnership, as a share-farmer or as a contract worker.

(2.) Subject to this Division, the prescribed authority may guarantee the repayment of any loan (including interest thereon) made or to be made for any of the purposes specified in paragraphs (a), (b), (c), (d) and (e) of the last preceding sub-section.

93.—(1.) The amount of any loan made, or in respect of which a guarantee is given, under this Division to any eligible person (or, if there is more than one such loan, the aggregate of those loans) shall not exceed—

Amount of
loans, &c.

- (a) Two hundred and fifty pounds ;
- (b) where the loan is for the purpose of enabling the eligible person to engage in or resume an agricultural occupation—
One thousand pounds ; or
- (c) where the loan is for the purpose of enabling the eligible person to engage in or resume a prescribed occupation, business or practice—Five hundred pounds.

(2.) The aggregate amount of any loans made, or in respect of which guarantees are given, under this Division to more than one eligible person in respect of the same enterprise shall not exceed the amount of the loan which could have been made, or in respect of which a guarantee could have been given, to one eligible person in respect of that enterprise.

94. Subject to this Division, a loan made or guarantee given under this Division shall be made or given on such security and on such terms and conditions as the prescribed authority determines.

Terms and
conditions of
loans.

95. Loans made under this Division shall bear interest at such rate as is prescribed.

Interest on
loans.

96.—(1.) Subject to this section, a loan shall not be made or guarantee given under this Division unless—

Conditions to
be complied
with by
applicants.

- (a) an application for the loan or guarantee is made—
 - (i) within five years after the cessation of hostilities in all the wars in which His Majesty was engaged at the date of commencement of this Division, the date on which the applicant ceased to be engaged on war service, or the date of the termination or completion of any training which the applicant received under Part III. of this Act, whichever is the later ; or
 - (ii) where the applicant is a widow—within five years after the cessation of hostilities in all the wars in which His Majesty was engaged at the date of commencement of this Division, the date on which the applicant's husband ceased to be engaged on war service, or the date of the termination or completion of any training which the applicant's husband received under Part III. of this Act, whichever is the later ;

- (b) the applicant satisfies the prescribed authority that he has the ability and qualifications to engage in, with a reasonable prospect of success, the occupation, business or practice in respect of which the loan or guarantee is sought ;
 - (c) the applicant satisfies the prescribed authority that the applicant's engaging in the occupation, business or enterprise is a suitable means of establishing or re-establishing himself in civil life ; and
 - (d) the applicant satisfies the prescribed authority that he is likely to be able to repay the amount of the loan made or guaranteed within a reasonable period.
- (2.) In determining whether a loan should be made or a guarantee given to an applicant, the prescribed authority shall take into account—
- (a) the effect of the applicant's war service on his capacity and opportunities to establish or re-establish himself in civil life ; and
 - (b) where there are limited opportunities for the establishment of a business, practice or enterprise of a particular type or in a particular locality—the applications of other eligible persons and the effect of the establishment of the business, practice or enterprise on other persons conducting businesses, practices or enterprises of the same or a similar type, or on persons who have ceased to conduct such businesses, practices or enterprises by reason of circumstances attributable to the war.

Loans to be
repayable
if improperly
expended.

97.—(1.) Where the prescribed authority is satisfied—

- (a) that any money lent under this Division has not been applied for the purpose for which it was lent or has not been carefully and economically expended ; or
- (b) owing to the misconduct, idleness or inefficiency of the person to whom the loan was made, the purpose for which the loan was made is not likely to be achieved,

the balance of the loan then remaining unpaid shall, at the option of the prescribed authority, become due and payable on demand and be recoverable with interest thereon and, after the exercise of the option, interest shall accrue from day to day.

(2.) Where the prescribed authority is satisfied as to any of the matters specified in paragraphs (a) and (b) of the last preceding subsection, the prescribed authority may vary all or any of the terms and conditions on which the loan was made.

(3.) Where the prescribed authority is satisfied that, in view of the efficiency or industry of a person to whom a loan has been made under this Division, it is desirable to do so, the prescribed authority may vary all or any of the terms and conditions on which the loan was made in favour of that person.

98.—(1.) The prescribed authority may, with the consent of the Treasurer, enter into an agreement with the Commonwealth Bank of Australia, with an authority of a State or with any Savings Bank for the performance by the Commonwealth Bank of Australia, by the authority or by the Savings Bank of such of the functions of the prescribed authority under this Division as are specified in the agreement.

Arrangement
with
Commonwealth
Bank, State
authorities
and Savings
Banks.

(2.) The prescribed authority may, with the consent of the Treasurer, make loans to, and may, on behalf of the Commonwealth, give financial guarantees to an authority of a State or a Savings Bank making loans to, or giving guarantees with respect to loans made to, eligible persons, in accordance with the agreement.

99. Subject to such limitations (if any) as are prescribed, where the prescribed authority is satisfied that a person who has obtained a loan under this Division is unable to repay the amount of the loan or any interest thereon, or that for any other reason the amount of the loan or any part thereof, or any interest thereon, should be written off, the prescribed authority may write off that amount or interest accordingly.

Writing off
loans.

Division 4.—Business Re-establishment Allowances

100. In this Division, “agricultural occupation” and “eligible person” have the same respective meanings as in Division 3 of this Part.

Definitions.

101.—(1.) Where the prescribed authority is satisfied that an eligible person is in need of a financial allowance to enable him to establish or re-establish himself satisfactorily in civil life in an occupation, business or practice on his own account, as an active member of a partnership, as a share-farmer or as a contract worker, the prescribed authority may pay to that person an allowance to be known as a business re-establishment allowance.

Business
re-establishment
allowance.

(2.) A business re-establishment allowance shall be payable only in respect of the period during which the income derived by the person concerned from the occupation, business or practice is, in the opinion of the prescribed authority, inadequate.

(3.) The rate per week of a business re-establishment allowance shall be such as the prescribed authority determines, having regard to all the circumstances of the case including the income of the person concerned (whether from the occupation, business or practice or from any other source), but shall not exceed the amount of the allowance which he would have received if he had been in receipt of an allowance—

(a) under Division 2 of this Part; or

(b) in the case of a person engaged in an agricultural occupation—
under Part III. of this Act.

102.—(1.) Subject to this section, a business re-establishment allowance shall not be payable to any person in respect of any period after the expiration of six months (or, if that person is engaged in an agricultural occupation, twelve months) from the date of his engagement in the occupation, business or practice concerned.

Period of
payment of
re-establishment
allowance.

(2.) Except in the case of a person engaged in an agricultural occupation, the prescribed authority may, if it considers it necessary in any particular case, extend payment of the allowance for such additional period as it considers reasonable, but the amount paid during the extended period shall be deemed to be a loan made by the prescribed authority under Division 3 of this Part and the provisions of that Division relating to loans shall be applicable thereto

PART VII.—SERVICEMEN'S SETTLEMENT.

Advances to
States.

103. The Commonwealth may, in accordance with any agreement entered into between the Commonwealth and any State, make advances or payments to a State—

(a) to enable that State to—

- (i) acquire land for the purpose of settlement by discharged members of the Forces ;
- (ii) develop or improve land for settlement by discharged members of the Forces ; and
- (iii) settle discharged members of the Forces on land so acquired, developed or improved ; and

(b) for such other purposes relating to the settlement of discharged members of the Forces on land as are prescribed.

PART VIII.—HOUSING.

Housing.

104.—(1.) The Minister may, on behalf of the Commonwealth, enter into an agreement with any State for the allocation of dwelling-houses amongst discharged members of the Forces, or classes of discharged members of the Forces, and other persons or classes of persons.

(2.) In this section, “dwelling-house” means any building or part of a building occupied or intended to be occupied as a separate dwelling and constructed or purchased in accordance with any agreement between the Commonwealth and the State relating to housing.

PART IX.—LEGAL AID BUREAUX.

Legal aid
bureaux.

105.—(1.) The legal aid bureaux established by the Attorney-General for the purpose of furnishing legal advice to members of the Forces, discharged members of the Forces and the dependants of such members and discharged members, which are in existence at the date of commencement of this Part shall continue in existence.

(2.) The Attorney-General may establish additional legal aid bureaux at such places as he thinks fit.

PART X.—WAR SERVICE MORATORIUM.

Division 1.—Preliminary.

Certain
provisions of
War Service
Moratorium
Regulations
to cease to
have effect.

106.—(1.) Parts II. and III. of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended) shall cease to have effect.

(2.) Nothing in the last preceding sub-section shall affect the operation of any order of a court made in pursuance of the previous Regulations, and, where leave has been given to any person under the previous Regulations to do, or to continue or complete the doing of, any act, that person may, notwithstanding anything contained in this Part, do, or complete the doing of, that act accordingly.

(3.) Any consent given under or for the purposes of regulation fifteen A or regulation twenty-two A of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended) shall have the same effect as if the consent had been given under or for the purposes of section one hundred and eighteen or one hundred and twenty-six of this Act.

(4.) Any notice given under regulation thirty-two of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended) which could have been given under this Part if this Part had been in force when the notice was given, shall have the same effect as if this Part had been so in force and the notice had been given under this Part.

(5.) Any statutory declaration furnished in reply to any such notice, or in reply to a notice under regulation twenty-five of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1940, No. 194, as amended), shall have the same effect as if it had been furnished under this Part.

(6.) A certificate issued under sub-regulation (3.) of regulation twenty-five of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1940, No. 194, as amended), or under sub-regulation (5.) of regulation thirty-two of the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended), shall have the same effect as if the certificate had been issued under this Part.

107. This Part shall bind the Crown in right of the Commonwealth or any State.

Crown to
be bound.

108.—(1.) In this Part, unless the contrary intention appears—

Interpretation.

“constable” includes any member of the Police Force of the Commonwealth or of a State or Territory of the Commonwealth, and any Peace Officer appointed in pursuance of the *Peace Officers Act 1925* ;

“female dependant of a member” means a female who is wholly or partly dependent for her support upon the pay of, or upon a pension payable in consequence of the incapacity or death of, a person who is or has been a member of the Forces, and includes—

(a) the wife of a person who, having been a member of the Defence Force engaged on war service during the war—

(i) has been discharged from the Defence Force ;
or

(ii) has ceased to be engaged on war service,

and, although not receiving a pension, is receiving from the Commonwealth medical treatment of such a nature as to prevent him either wholly or partly from engaging in his occupation ; and

(b) the widow of a member of the Forces who died while engaged on war service ;

“ land ” includes messuages, tenements, and hereditaments, and houses and buildings, and also includes any estate or interest in land (legal or equitable), and any easement, right, power or privilege over, in, or in connexion with, land ;

“ member of the Forces ” means a member of the Commonwealth Naval, Military or Air Forces engaged on war service, and includes any person—

(a) who, during the war, is or has been called up for active service, or is serving on active service, with the Naval, Military or Air Forces of any part of the King's dominions (other than the Commonwealth) ; and

(b) who was born in Australia or was, immediately prior to being called up or enlisting or being appointed for such active service, domiciled in Australia ;

“ mortgage ” means a mortgage (legal or equitable) of land ;

“ pension ” means a pension (including a service pension) under the *Australian Soldiers' Repatriation Act* 1920–1945, and includes a pension payable under any law of a country outside Australia providing for the payment of pensions to members, or former members, of the Naval, Military or Air Forces of that country ;

“ the previous Regulations ” means the National Security (Courts Emergency Powers) Regulations (being Statutory Rules 1939, No. 165, as amended), the National Security (War Service Moratorium) Regulations (being Statutory Rules 1940, No. 194, as amended), and the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended) ;

“ war service ” means—

(a) the service, during the war, of a member of the Citizen Forces when called out for war service in pursuance of the *Defence Act* 1903–1945, or during continuous training under that Act or the *Naval Defence Act* 1910–1934, or the *Air Force Act* 1923–1941 ;

(b) the continuous full-time service in the Defence Force under any Act or under any regulations under an Act, of any person who volunteers and is accepted for that service during the war ;

(c) the continuous service, during the war, of a person called upon to serve in the Defence Force in pursuance of any Act or of any regulations under an Act ; or

- (d) the service during the war of such other members or classes of members of the Naval, Military or Air Forces (not being members of the Citizen Forces) as are prescribed.

(2.) For the purposes of this Part, a person specified in paragraphs (a) and (b) of the definition of " member of the Forces " shall be deemed to be engaged on war service so long as he is called up for active service, or is serving on active service, with the Naval, Military or Air Forces of any part of the King's dominions (other than the Commonwealth).

(3.) Where by this Part any jurisdiction is conferred on the Supreme Court of a State or Territory of the Commonwealth that jurisdiction may, in relation to the Territory of Norfolk Island, be exercised by the Court of Norfolk Island sitting in its Full Jurisdiction.

(4.) Where any female was wholly or partly dependent for her support on the pay of a member of the Forces, but is no longer so dependent merely by reason of an allotment of pay made to that female having been suspended, that female shall be deemed to be a female dependant of a member within the meaning of this section.

Division 2.—Mortgages and Agreements for the Purchase of Land.

109.—(1.) Subject to this Division, where a member of the Forces, or a female dependant of a member, is liable to pay the principal money secured by a mortgage, or the purchase money under an agreement for the purchase of land, and that liability arose before the date on which the member at any time became engaged on war service, the time (including any time past) for payment of the principal money or purchase money shall, by force of this section be postponed in accordance with the provisions of this section.

Postponement
of certain
payments.

(2.) The time for payment shall be postponed so that the payment shall fall due on the expiration of the period—

- (a) immediately following the date on which the member ceases (otherwise than by his death) to be engaged on war service equal to the period during which he was so engaged ; or

(b) of twelve months immediately following that date, whichever is the shorter.

(3.) If the person liable to pay the principal or purchase money is a member of the Forces or a female dependant of a member (not being the widow of a member of the Forces who died while engaged on war service) and the member dies while engaged on war service, the time for payment shall be postponed so that the payment shall fall due upon the expiration of the period of twelve months immediately following the date of his death.

(4.) If the person liable to pay the principal or purchase money is the widow of a member of the Forces who died while engaged on war service, the time for payment shall be postponed so that the payment shall fall due upon the expiration of the period of twelve months immediately following the date on which His Majesty ceases to be engaged in all the wars in which His Majesty was engaged at the date of commencement of this Part.

(5.) If the person liable to pay the principal or purchase money is a female dependant of a member, and she dies while the member continues to be engaged on war service, the postponement shall cease at the expiration of twelve months after her death, unless, in the meantime, the member becomes liable to pay the principal or purchase money, in which case the time for payment shall be postponed in accordance with the provisions of sub-section (2.) or (3.) of this section.

(6.) Where a member of the Forces has been engaged on war service during two or more periods, he shall be deemed to have been engaged on war service during a period equal in duration to the aggregate of the periods during which he was so engaged.

(7.) Where, under any mortgage or agreement to which this section applies, the principal or purchase money is to be repaid or paid by instalments, the time for payment of the earliest unpaid instalment shall be postponed in accordance with the provisions of this section and the time for payment of each subsequent instalment shall be postponed for a period equal to the period of postponement of the first-mentioned instalment.

(8.) Where a member of the Forces or a female dependant of a member is liable to pay the principal money secured by a mortgage but is not the owner of the land subject to the mortgage, the postponement effected by this section shall apply only in relation to the liability of that member or female dependant, and where a member of the Forces or female dependant of a member is liable to pay the principal money secured by a mortgage and is the owner of the land subject to the mortgage but ceases to be the owner before the postponement effected by this section ceases, the postponement shall thereupon apply only in relation to the liability of that member or female dependant.

(9.) Where any payment includes interest as well as principal, and the rate of interest is not ascertainable from the mortgage or agreement, or the mortgage or agreement does not indicate what parts of the payment are principal and interest respectively, then, for the purposes of this section, the rate of interest shall be deemed to be five pounds per centum per annum.

(10.) Where a mortgagee—

- (a) was or is in possession of land under a mortgage to which this section applies at the date on which the member of the Forces first became or becomes engaged on war service; or
- (b) has appointed or appoints a receiver who was or is in possession of the mortgaged property, or in receipt of the rents and profits thereof, at that date,

nothing in this section shall affect any power of sale, right to foreclose, power to appoint a receiver, power to go into, or remain in, possession of the mortgaged property, or power to receive or continue to receive the rents and profits thereof.

(11.) Nothing in this section shall apply in respect of any mortgage or agreement for the sale of land—

- (a) where a court has, prior to the sixth day of December, One thousand nine hundred and thirty-nine, ordered that the mortgagee or vendor may exercise all or any of the remedies he may have for the enforcement of the security under the mortgage or re-entry on the land ;
- (b) where the member of the Forces or female dependant of a member, whether before or after the date of commencement of this Division, while liable to pay the principal or purchase money, became or becomes a bankrupt or an insolvent or has assigned or assigns his estate for the benefit of his creditors under any law relating to bankruptcy or insolvency or where the member or female dependant is deceased and his or her estate is being administered in bankruptcy or insolvency ; or
- (c) where the mortgagee or vendor obtains a declaration from the appropriate court that the member of the Forces or female dependant of a member has abandoned the land.

(12.) Nothing in this section shall prevent any person from paying any principal money or purchase money before the time to which payment thereof is postponed under this section.

(13.) Where the time for payment of any money is postponed under the National Security (War Service Moratorium) Regulations (being Statutory Rules 1941, No. 61, as amended), to a date after the date of commencement of this Part, that time for payment shall, by force of this section, cease to be so postponed but shall be subject to such postponement (if any) under this section as is applicable in the circumstances.

(14.) For the purposes of this section—

- (a) the owner (including an equitable owner) of land subject to a mortgage shall be deemed to be liable to pay the principal money secured by the mortgage ; and
- (b) a person shall be deemed to be liable to pay any principal money or purchase money if he is under an obligation to pay that money notwithstanding that the time for payment thereof has not arrived.

(15.) Where—

- (a) a member of the Forces or a female dependant of a member is, and was prior to the date of commencement of this Division, paying the purchase money under an agreement for the purchase of land but is not actually liable to pay that purchase money ;
- (b) the member of the Forces or female dependant of a member commenced paying that purchase money before the date on which the member at any time became engaged on war service ; and

- (c) the payments made by the member, or female dependant, prior to the date of commencement of this Division, were accepted by the vendor,

the member of the Forces or female dependant of a member shall, for the purposes of this section, be deemed to be liable to pay the purchase money and the time (including any time past) for payment thereof (whether by the member or female dependant or by the person actually liable to pay the purchase money) shall, by force of this sub-section, be postponed in accordance with the provisions of this section.

(16.) Where a member of the Forces, or a female dependant of a member, became, or becomes, liable to pay the purchase money under an agreement for the purchase of land after the member at any time became, or becomes, engaged on war service, and that agreement was, or is, entered into by the member or female dependant of a member in pursuance of an option to purchase that land granted to the member or female dependant of a member before the member at any time became, or becomes, engaged on war service, the member or female dependant shall, for the purposes of this section, be deemed to have become liable to pay the purchase money under the agreement on the date on which the option was granted.

Interest to
be payable
in respect
of postponed
payments.

110.—(1.) Where any payment of principal money or purchase money is postponed under this Division, interest shall be payable thereon until payment thereof is made, at the rate agreed upon by the parties before the interest falls due, or at the rate which would have been applicable if the payment had been made on the date when it would have been due if this Division had not been enacted, or, in the case of principal money due under a first mortgage or purchase money payable under an agreement for the purchase of land, at the rate of Five pounds per centum per annum, whichever is the lower rate :

Provided that, if the rate of interest payable under any mortgage or agreement is thereby fixed by reference to rates current in the case of some specified class of transactions at the times when the sums of interest respectively fall due or are paid (as the case may be), the rate payable by virtue of this section shall, at the option of the mortgagee or vendor, be as so fixed or as fixed by this section, but so that the rate shall not in any case exceed Five pounds per centum per annum.

(2.) Interest payable by virtue of this section shall be payable at the close of the same intervals of time as are provided by the mortgage or agreement with respect to the interest payable thereunder, or, if no provision is so made, then quarterly.

(3.) In the case of a payment which fell due on or before the date of commencement of this Division, the period of postponement shall, for the purposes of this section, be deemed to have commenced on the day immediately following that date.

111. Where in any mortgage to which this Division applies provision is made for the payment or acceptance of interest at a reduced rate in the case of punctual payment, interest shall be payable at the reduced rate notwithstanding that it is not paid punctually in accordance with that provision.

Panel rate
of interest
not enforceable.

112.—(1.) Except as otherwise provided by section one hundred and nine of this Act, this Division shall, so long as a postponement under that section continues in respect of any principal money or purchase money, operate as a stay of all proceedings, whether by action of any other means and whether in any court or otherwise against a member of the Forces or a female dependant of a member commenced before the date of commencement of this Division to enforce the payment, or in respect or in consequence of the non-payment of, the principal or purchase money, and of all remedies against the member of the Forces or female dependant of a member for the recovery thereof, but shall not otherwise prejudice or affect any such proceeding or remedy, or alter or affect the rights or obligations of any person, except so far as is necessary to give effect to the provisions of this Division.

Proceedings
stayed but
rights not
otherwise
prejudiced.

(2.) Upon the termination of the postponement effected by this Division, all proceedings so stayed may be continued, and all such remedies may be pursued as if the period of postponement had not intervened.

113.—(1.) The appropriate court may order that the provisions of this Division shall not apply in relation to the enforcement of any mortgage or agreement against any person if it is satisfied—

Provision for
cases of
hardship.

- (a) that the whereabouts of that person are not known to the mortgagee or vendor;
- (b) that the mortgagee or vendor has made reasonable efforts to ascertain those whereabouts; and
- (c) that the mortgagee or vendor is not aware that that person is a member of the Forces or a female dependant of a member.

or if it is of opinion that, in the special circumstances of the case, the postponement effected by those provisions is not necessary in the interests of the member of the Forces or female dependant of a member concerned, or would cause hardship or loss to the mortgagee or vendor, as the case may be, or to any person towards whom, with respect to that mortgage or agreement, the mortgagee or vendor stands in the position of a trustee.

(2.) An application for an order under this section shall be made with notice to such persons as the court considers entitled thereto, or *ex parte* in any case in which by reason of special circumstances, the court considers that procedure to be just and equitable.

(3.) The court may make all such interlocutory and final orders in the matter of any such application, including orders as to costs, as, having regard to the objects of this Division and the circumstances of the case, the court considers to be just and equitable.

(4.) The costs of any such application shall be in the discretion of the court.

(5.) The order of the court determining any application under this regulation shall be final, and no order, whether interlocutory or final, in the matter of any such application, and no other proceeding under this section, shall be appealed against, questioned or reviewed in any manner whatsoever or be restrained or removed by prohibition, injunction, certiorari or otherwise howsoever.

Certain
contracts and
instrument-
not affected.

114. This Division shall not be held to prevent, or to alter the effect of—

- (a) any contract made after the date on which a member of the Forces first became engaged on war service, concerning any mortgage or agreement to which section one hundred and nine of this Act applies; or
- (b) any instrument made or thing done in pursuance of any such contract.

Joint
mortgages and
agreements.

115. The provisions of this Division shall apply in any case where a member of the Forces or a female dependant of a member is liable jointly with another person to pay the principal money under a mortgage or the purchase money under an agreement for the purchase of land in like manner as they apply where a member of the Forces or a female dependant of a member is solely so liable.

Meaning of
"the
appropriate
court"
defined.

116. In this Division, "the appropriate court" means—

- (a) in relation to a mortgage or agreement where the amount of principal or purchase money outstanding thereunder does not exceed Five hundred pounds—a court of limited civil jurisdiction constituted by a Police, Stipendiary or Special Magistrate or by a barrister, solicitor, attorney or proctor in the State or Territory of the Commonwealth in which the land is situated, or, if there is no such court, the High Court, or the Supreme Court of that State or Territory;
- (b) in relation to a mortgage or agreement where the amount of principal or purchase money outstanding thereunder exceeds Five hundred pounds but does not exceed Two thousand pounds—a District Court, County Court or Local Court of Full Jurisdiction in the State or Territory of the Commonwealth (other than the Territory of New Guinea) in which the land is situated, or, if there is no such court, or the land is situated in the Territory of New Guinea, the High Court, or the Supreme Court of the State or Territory of the Commonwealth in which the land is situated; and
- (c) in any other case—the High Court, or the Supreme Court of the State or Territory of the Commonwealth in which the land is situated.

*Division 3.—Prohibition or Suspension of Proceedings.***117.—(1.)** A person shall not—

Restriction on
execution
and other
remedies.

- (a) except with the leave of the court by which the judgment was given, commence, proceed with or put in force any execution, or any other process or proceeding, to enforce any judgment against a member of the Forces or a female dependant of a member, where the judgment is in respect of the liability of the member or female dependant under a contract or agreement made prior to the sixth day of December, One thousand nine hundred and thirty-nine, or the date on which the member at any time became engaged on war service, whichever is the later, or under any contract or agreement modifying, superseding, or in substitution for any such contract or agreement ; or
- (b) except with the leave of the appropriate court, exercise any legal remedy in consequence of any default in the payment of a debt or the performance of an obligation by a member of the Forces or a female dependant of a member, where the debt or obligation arose or arises under any such contract or agreement.

(2.) Where, prior to the date on which any person becomes or has become a member of the Forces, any person has commenced, proceeded with or put into force any execution, or any other process or proceeding, to enforce a judgment against that member or a female dependant of that member in respect of a liability of the kind referred to in paragraph (a) of the last preceding sub-section, and the execution or proceeding to enforce the judgment has not been completed at that date, the execution or proceeding shall, by force of this sub-section, be suspended, unless and until the court by which the judgment was given gives leave to proceed therewith.

(3.) Where any person has given a guarantee in relation to any contract or agreement to which sub-section (1.) of this section applies, a person shall not, except with the leave of the appropriate court, take any action for the enforcement of the guarantee.

(4.) An application for the leave of a court under this section may be made, with notice to such persons as the court considers entitled thereto, or *ex parte* in any case in which by reason of special circumstances the court considers that procedure to be just and equitable, and may be disposed of in chambers.

(5.) In determining whether leave shall be granted under this section the court shall consider —

- (a) whether the failure to satisfy the judgment, pay the debt, or perform the obligation, was due to circumstances directly or indirectly attributable to the war service of the member of the Forces ;
- (b) the conduct of the member of the Forces or female dependant in respect of any breach of the terms of the contract or agreement ;

- (c) whether the grant of leave would cause hardship to the member of the Forces or female dependant ; and
- (d) whether refusal to grant leave would cause hardship to the applicant, or to some person towards whom, with respect to the judgment, contract or agreement, the applicant stands in the position of a trustee,

and for the purpose of determining the facts the court may procure the attendance of, and examine, the member of the Forces or female dependant or any other person having knowledge of the facts.

(6.) If, having regard to the considerations mentioned in the last preceding sub-section, and to all other relevant considerations, the court is of opinion that it is equitable so to do, it may—

- (a) grant leave, either unconditionally or subject to such restrictions and conditions as the court thinks fit ;
- (b) refuse to grant leave ;
- (c) readjust the amounts of any instalments payable under the contract or agreement ;
- (d) postpone the time for payment of all or any such instalments in such manner and for such time as the court thinks just in the circumstances of the case ; or
- (e) modify the terms of any guarantee given in relation to the contract or agreement in such manner as the court thinks just in the circumstances of the case,

and, if the court orders that the payment of any instalment be postponed, the court may direct that interest thereon be paid at such rate as it considers reasonable in the circumstances of the case.

(7.) If the court orders that the time for payment of any instalments be postponed—

- (a) the court may direct that interest thereon be paid at such rate as it considers reasonable in the circumstances of the case ; and
- (b) the court shall order that the time for payment of all subsequent instalments be postponed in such manner as the court thinks fit.

(8.) The court may exercise any of the powers conferred by paragraphs (c), (d) and (e) of sub-section (6.) of this section upon application made by or on behalf of the member of the Forces or female dependant in the manner prescribed by sub-section (4.) of this section.

(9.) The costs of an application under this section shall be in the discretion of the court.

(10.) No settlement or agreement entered into by the parties after the making of an application for leave under this section shall be valid unless approved by the court.

(11.) For the purposes of this section—

“guarantee” includes any agreement or security included in or collateral to a contract or agreement referred to in subsection (1.) of this section under which a third person undertakes to be answerable for the due performance of that contract or agreement or for the making of any payment falling due under that contract or agreement;

“judgment” means any judgment or order of any court (whether given or made before, on or after the date of commencement of this Division) for the payment or recovery of a sum of money;

“legal remedy” means any remedy by way of—

(a) the levying of distress on, or the taking of possession of, any property, other than goods the seizure or taking possession of which is prohibited by section one hundred and nineteen of this Act;

(b) re-entry upon any land;

(c) the realization of any security or the forfeiture of any deposit; or

(d) the rescission of any agreement for the sale and purchase of land.

(12.) Nothing in this section shall affect—

(a) any power or remedy of a mortgagee or vendor of land—

(i) which arose or arises from any default in the payment of interest under or by virtue of a mortgage or agreement to which section one hundred and nine of this Act applies; or

(ii) which is not affected by that section;

(b) any power to enforce a charge for rates on land, but no action, suit or other proceeding shall be brought or taken to enforce a charge for rates on land while the land is subject to a mortgage or agreement to which Division 2 of this Part applies;

(c) any power of sale of a mortgagee in possession of property, other than land or some interest in land, belonging to a member of the Forces or a female dependant of a member, where the power of sale arose before the date upon which the member first became engaged on war service;

(d) any right or power of a pawnbroker to deal with pledges; or

(e) any proceedings relating to goods being purchased by a member of the Forces or a female dependant under a hire-purchase agreement where the member or female dependant has purported to sell or otherwise dispose of the goods or has parted with the possession of the goods.

118.—(1.) Where power is conferred upon any person by or under any law of the Commonwealth or of a State or Territory of the Commonwealth to acquire land compulsorily for any purpose, that person shall not, without the prior consent of the Attorney-General, exercise the power, in relation to the acquisition of land which is owned by a

Restriction on compulsory acquisition of certain lands.

member of the Forces, for any purpose other than a purpose in connexion with the defence of the Commonwealth or the efficient prosecution of the war, or do or commence or continue to do any act, or commence or continue any proceeding, for the purpose of or with a view to any such acquisition or obtaining possession of the land in connexion with any such acquisition.

(2.) The consent of the Attorney-General shall not be necessary in any case where the member of the Forces intimates, in writing, that he agrees to or has no objection to the proposed acquisition.

Protection
from execution
distress, &c.

119.—(1.) A person shall not, except with the leave of the appropriate court granted upon application made in the manner prescribed by section one hundred and seventeen of this Act, under a writ of execution or other process issued by a court, by way of distress, or under the provisions of a bill of sale or hire-purchase agreement made prior to the date on which the member of the Forces affected at any time became engaged on war service, or under any agreement modifying, superseding or in substitution for any such agreement, seize or take possession of any goods which are used by, or belong to, a member of the Forces or a female dependant of a member.

(2.) A person shall not, except with the leave of the appropriate court granted upon application made in the manner prescribed by section one hundred and seventeen of this Act, proceed with the execution of any writ of *fiery facias* or writ of execution, whenever issued, against land on which a dwelling-house is erected and which is owned by a member of the Forces or female dependant of a member, whether the judgment or order in respect of which the writ was issued was given or made before or after the date on which the member of the Forces affected at any time became engaged on war service.

(3.) Leave shall not be granted under the last preceding subsection—

(a) in any case where the member of the Forces or the female dependant of the member is occupying the dwelling-house concerned; or

(b) if the member of the Forces or female dependant of the member is not occupying the dwelling-house concerned, the member of the Forces or female dependant of the member *bona fide* desires to occupy the dwelling-house and has taken steps to obtain possession thereof.

(4.) The provisions of section one hundred and seventeen of this Act relating to procedure and costs shall apply to applications under this section.

(5.) In relation to any goods being purchased under a hire-purchase agreement or the subject of a bill of sale, where the appropriate court, on application for leave in pursuance of this section by the vendor, under the hire-purchase agreement or by the grantee of the bill of sale, is satisfied—

(a) that the member of the Forces or female dependant of a member concerned would not suffer any hardship if the agreement or bill of sale were enforced; or

- (b) that, having regard to all the circumstances of the case, it would be inequitable to the vendor or grantee that the member of the Forces or female dependant of a member should have the benefit of this section,

the court shall grant leave.

(6.) This section shall not apply in relation to any goods being purchased under a hire-purchase agreement where the member of the Forces or female dependant of a member has purported to sell or otherwise dispose of, or has parted with the possession of, the goods before payment therefor has been completed.

(7.) In any prosecution for an offence arising under this section, an order may be made for the return of any goods seized or taken possession of in contravention of this section, or for payment of their value.

(8.) Any such order providing for the payment of the value of any goods may be enforced in the same manner as an order or judgment for the payment or recovery of money made by the court in the exercise of its civil jurisdiction.

(9.) Where any such order provides for the return of any goods, any constable may take possession of the goods and return them to the person to whom the court directed them to be returned, and for that purpose may, and if need be by force and with such assistance as is necessary, break open, enter and search any premises in which he has reason to believe or suspects the goods to be.

(10.) A person shall not hinder or obstruct any constable in the exercise of his powers under the last preceding sub-section.

120.—(1.) The protection afforded by the last three preceding sections shall continue until the expiration of the period—

*Continuation
of protection
afforded.*

- (a) immediately following the date on which the member ceases (otherwise than by his death) to be engaged on war service equal to the period during which he was so engaged ; or

(b) of twelve months immediately following that date, whichever is the shorter.

(2.) Where the person protected is a member of the Forces or a female dependant of a member (not being the widow of a member of the Forces who died while engaged on war service) and the member dies while engaged on war service, the protection shall continue until the expiration of the period of twelve months immediately following the date of his death.

(3.) Where the person protected is the widow of a member of the Forces who died while engaged on war service, the protection shall continue until the expiration of the period of twelve months immediately following the date on which His Majesty ceases to be engaged in all the wars in which His Majesty was engaged at the date of commencement of this Part.

(4.) Where the person protected is a female dependant of a member, and she dies while the member continues to be engaged on war service, the protection shall cease at the expiration of twelve months after her

death, unless, in the meantime, the member becomes protected in respect of the matter with respect to which the female dependant received protection, in which case the protection shall continue in accordance with the provisions of sub-section (1.) or (2.) of this section.

(5.) For the purposes of sub-section (1.) of this section, where a member of the Forces has been engaged on war service during two or more periods he shall be deemed to have been engaged on war service during a period equal in duration to the aggregate of the periods during which he was so engaged.

Postponement
of payment
of interest
and rates.

121.—(1.) An appropriate court may, upon application by or on behalf of a member of the Forces or a female dependant of a member, made in the manner prescribed in section one hundred and seventeen of this Act, order the postponement of the time for payment—

- (a) of any interest payable under a mortgage or agreement to which section one hundred and nine of this Act applies ;
or
- (b) of any rates on land payable by the member or female dependant.

(2.) In determining an application under paragraph (a) of the last preceding sub-section, the court shall consider whether the making of the order applied for would cause hardship to the mortgagee or vendor, or to some person towards whom, with respect to the mortgage or agreement, the mortgagee or vendor stands in the position of a trustee, and in determining an application under paragraph (a) or (b) of that sub-section the court shall consider whether the refusal of the application would cause hardship to the member or female dependant, and for the purpose of determining the facts the court may procure the attendance of, and examine, the member or female dependant or any other person having knowledge of the facts.

(3.) If, having regard to the considerations mentioned in the last preceding sub-section, and to all other relevant considerations, the court is of opinion that it is equitable so to do, it may—

- (a) postpone the time for payment of all or any such interest or rates in such manner and for such time as the court thinks just in the circumstances of the case ; or
- (b) refuse to grant the application.

(4.) The costs of an application under this section shall be borne by the applicant unless the court orders otherwise.

Power of
courts to
prohibit
issue of
process in
certain
cases.

122. Where it appears to any court of a State or Territory of the Commonwealth, on motion made by or on behalf of any member of the Forces or female dependant of a member, that any writ or other legal process has been issued or is proposed to be issued out of the court in respect of any liability of any member of the Forces or female dependant of a member under any contract or agreement, and that the contract or agreement is, so far as the member or female dependant is concerned, unduly onerous, the court may make such

order upon such terms and conditions as it thinks fit prohibiting or suspending the issue of the process, or, if the process has already been issued, prohibiting or suspending further proceedings in pursuance of the process.

123. If in relation to any transaction it appears to the appropriate court, on application made by or on behalf of a member of the Forces or female dependant of a member, that the transaction is, so far as the member or female dependant is concerned, unduly onerous, or is such that a court of equity would give relief, the court may re-open the transaction and take an account between the member or female dependant and the other party to the transaction, and make such order as it thinks just as regards the transaction, and as regards any property affected by the transaction, and any such order shall be of full force and effect, and shall be complied with by the parties to the transaction.

Re-opening of transactions between members of the Forces and others

124. Any matter arising under either of the last three preceding sections may be disposed of in chambers.

Exercise of jurisdiction in chambers.

125.—(1.) A person shall not, without leave of a court having jurisdiction in bankruptcy or insolvency, issue a bankruptcy notice (or, in the Territory of Papua or the Territory of New Guinea, a debtor's summons) or present a bankruptcy petition or petition for adjudication in insolvency, against a member of the Forces or a female dependant of a member, where the judgment or final order in respect of which the bankruptcy notice would be issued is, or the debtor's summons would be issued or the petition presented, in respect of a debt or obligation which arose before the member at any time became engaged on war service.

Bankruptcy proceedings against members of the Forces and female dependants of members.

(2.) The court shall not grant leave unless the court is satisfied that, having regard to all the circumstances of the case (including the conduct and financial position of the member of the Forces or female dependant of a member and of the applicant), it would be inequitable to refuse to grant leave.

(3.) Where a bankruptcy petition or petition for adjudication in insolvency has been presented against any member of the Forces or a female dependant of a member, and the member or female dependant satisfies the court to which the petition was presented that his inability to pay his debts is due to circumstances directly or indirectly attributable to his having been engaged on war service, the court may, after considering all the circumstances of the case and the position of all the parties, at any time stay the proceedings under the petition for such time and subject to such conditions as the court thinks fit.

(4.) Where a court is satisfied that—

- (a) a person against whom the court has, on the petition of a creditor, made a sequestration order or an adjudication of insolvency is a member of the Forces or a female dependant of a member; and

(b) if the sequestration order or adjudication of insolvency is revoked—

(i) the business (if any) of that person will continue to be carried on by or on behalf of that person ; and

(ii) there will be a reasonable prospect of that business being carried on successfully,

the court may make an order revoking the sequestration order or adjudication of insolvency.

(5.) Any order made in pursuance of the last preceding subsection may be made on such conditions (including the reimbursement of the costs incurred by the petitioning creditor in the bankruptcy or insolvency proceedings) as the court thinks just.

Restriction of proceedings for dissolution &c., of certain partnerships.

126.—(1.) A person shall not take or continue against a partner who is a member of the Forces any proceedings or other action, whether in pursuance of a partnership agreement or otherwise, for the dissolution of any partnership or for the expulsion of that partner, or for the forfeiture of his share in the partnership, unless and until the Attorney-General or all the partners consent to the taking or continuance of the proceedings or other action.

(2.) This section shall apply, in relation to a person who has been a member of the Forces, in the same manner as it applies in relation to a member of the Forces, for a period—

(a) immediately following the date on which the member ceased or ceases to be engaged on war service equal to the period during which he was so engaged ; or

(b) of twelve months immediately following that date.

whichever is the shorter.

Interpretation.

127. In this Division—

“ hire-purchase agreement ” includes a letting of goods with an option to purchase, an agreement for the payment for goods by instalments, and any other agreement for the purchase of goods whether or not the property in the goods passes, on delivery, to the purchaser, and any goods the subject of any hire-purchase agreement shall, for the purposes of this section, be deemed to belong to the purchaser ;

“ the appropriate court ” means—

(a) where the matter at issue does not exceed in value the sum of Five hundred pounds—a court of limited civil jurisdiction in the State or Territory of the Commonwealth in which the transaction was entered into constituted by a Police, Stipendiary or Special Magistrate or by a barrister, solicitor, attorney or proctor, or, if there is no such court, the High Court, or the Supreme Court of that State or Territory ;

- (b) where the matter at issue exceeds in value the sum of Five hundred pounds but does not exceed in value the sum of Two thousand pounds—a District Court, County Court or Local Court of Full Jurisdiction in the State or Territory of the Commonwealth (other than the Territory of New Guinea) in which the transaction was entered into, or, if there is no such court, or the transaction was entered into in the Territory of New Guinea, the High Court, or the Supreme Court of the State or Territory of the Commonwealth in which the transaction was entered into; and
- (c) in any other case—the High Court, or the Supreme Court of the State or Territory of the Commonwealth in which the transaction was entered into.

Division 4.—General.

128. The Registrar of Titles of any State or Territory of the Commonwealth may, upon submission to him of evidence of re-entry by a lessor, require such evidence as he deems necessary that the re-entry does not contravene any provision of this Part or of the previous Regulations and may refuse to note the re-entry until evidence accordingly is submitted to him.

Power of Registrar of Titles to require evidence.

129.—(1.) Any person (in this section referred to as “the claimant”) who desires to do, or to continue or complete the doing of, any act against any person (in this section referred to as “the respondent”) may, if the respondent is resident in Australia—

Part VIII. not to apply in certain cases

- (a) where the act is the compulsory acquisition of land, and the respondent is not, to the knowledge of the claimant, a member of the Forces—serve on the respondent, in the manner provided by this section, a notice (in accordance with a form prescribed) requiring the respondent to inform the claimant, within fourteen days after the receipt of the notice, whether or not the respondent is a member of the Forces as defined by this Part; or
- (b) where the act is in respect of any mortgage, contract, agreement, judgment, debt, obligation, bill of sale or writ of execution or other process, and the respondent is not, to the knowledge of the claimant, a member of the Forces or a female dependant of a member—serve on the respondent in the manner provided by this section, a notice (in accordance with a form prescribed) requiring the respondent to inform the claimant, within fourteen days after the receipt of the notice, whether or not the respondent is a member of the Forces or a female dependant of a member as defined by this Part.

(2.) A notice under the last preceding sub-section shall be served personally or by registered letter sent to the respondent's last place of abode known to the claimant.

(3.) If, within the period specified in sub-section (1.) of this section, a statutory declaration by the respondent or by some person having knowledge of the facts stating---

(a) in the case of a notice served under paragraph (a) of that sub-section—that the respondent is a member of the Forces as defined by this Part; or

(b) in the case of a notice served under paragraph (b) of that sub-section—that the respondent is a member of the Forces or a female dependant of a member as so defined,

is not furnished to the claimant then, notwithstanding that the respondent is, or at any subsequent time becomes, a member of the Forces or a female dependant of a member, this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of an act of the kind referred to in sub-section (1.) of this section, provided the claimant commences to do, or to continue or complete the doing of, the act within three weeks after the expiration of the period specified in that sub-section.

(4.) For the purposes of the last preceding sub-section, where the doing of any act is dependent on the completion of any preliminary act, the commencement of the doing, or the continuance or completion of the doing, of the preliminary act shall be deemed to be the commencement of the doing of the first-mentioned act.

(5.) If the claimant produces evidence (supported by statutory declaration) to the satisfaction of a prescribed officer that the respondent—

(a) has abandoned the property in respect of which the claimant desires to do, or to continue or complete the doing of, any act; or

(b) cannot be found and that the claimant has made reasonable efforts to ascertain his whereabouts, and that the claimant is not aware that the respondent is a member of the Forces or a female dependant of a member,

the officer may issue to the claimant a certificate to that effect and thereupon this Part shall not apply in respect of the doing, or in respect of the continuance or completion of the doing, of the act by the claimant.

(6.) A certificate purporting to be issued in pursuance of the last preceding sub-section shall, in the absence of proof to the contrary, be deemed to have been duly issued.

Validation.

130.—(1.) Subject to this section, no transaction or proceeding shall be invalidated by reason only that it has been entered into or taken in contravention of this Part, but nothing in this section shall affect the liability of any person to a penalty in respect of any such contravention.

(2.) The appropriate court may, on the application of the Attorney-General or of any person interested, make an order that a transaction or proceeding entered into or taken in contravention of this Part shall be invalidated, but the court shall not make any such order if the court is satisfied that the effect of the order (if made) would be to prejudice the rights of a person in respect of, or arising out of, the transaction or proceeding which are acquired *bona fide* and without notice of the contravention.

(3.) In this section, "the appropriate court" means the High Court, or the Supreme Court of the State or Territory of the Commonwealth in which the transaction or proceeding was entered into or taken.

131. In calculating the time fixed by any Statute of Limitations or other Act, State Act, or law of a Territory of the Commonwealth within which any action may be commenced or other remedy may be pursued, account shall not be taken of any period during which the time for payment of any money is postponed, or during which any proceedings, or proposed proceedings, are stayed, prohibited or suspended, under this Part or under the previous Regulations.

Period of postponement, &c. not to be taken into account for purposes of any Statute of Limitations.

132.—(1.) Any right to commence any action, suit or other proceeding, or to enforce, exercise or pursue any right, power or remedy, which, whether before or after the commencement of this section, was or is possessed by a member of the Forces or by a person who, after he became or becomes possessed of the right, became or becomes a member of the Forces, shall not be barred by the expiration, during the prescribed period, of any period of limitation fixed by any law (whether of the Commonwealth or of a State or a Territory of the Commonwealth) in force in Australia or any part thereof, or by any agreement, mortgage or instrument with respect to any such right, and the action, suit or other proceeding may be commenced, or the right, power or remedy may be enforced, exercised or pursued, at any time before the expiration of the prescribed period.

Preservation of rights possessed by members of the Forces.

(2.) In this section, "the prescribed period" means any period during which the member of the Forces is or was engaged on war service, together with—

(a) the period immediately following the date on which he ceases or ceased to be engaged on war service equal to the period during which he was so engaged; or

(b) the period of twelve months immediately following that date, whichever is the shorter.

133.—(1.) If, on any application to a court under this Part, any objection (based on the amount of principal or purchase money outstanding, or on the value of the matter at issue) is taken to the jurisdiction of the court, the court shall determine the objection summarily, but the decision of the court shall not operate as an estoppel between the parties or their privies in any subsequent proceeding.

Jurisdiction of courts.

(2.) An order made by a court under this Part shall not be appealed against, questioned or reviewed in any manner whatsoever, or be restrained or removed by prohibition, injunction, certiorari or otherwise howsoever, by reason of any want of jurisdiction arising out of the amount of principal or purchase money outstanding, or the value of the matter at issue, as the case may be.

Part not to
apply to
trustees.

134. This Part shall not apply to, or in relation to, any obligation of a member of the Forces or of a female dependant of a member under or by virtue of a mortgage, contract, agreement or bill of sale which he has given or entered into as a trustee or in any representative capacity, or in respect of any liability which he has incurred as a trustee or in any such capacity.

Offences.

135. A person who contravenes, or fails to comply with, any provision of this Part shall be guilty of an offence punishable on conviction by a fine not exceeding One hundred pounds or imprisonment for a period not exceeding six months, or both.

PART XI.—MISCELLANEOUS.

Prescribed
allowances.

136. The regulations may make provision for and in relation to—

- (a) the payment by the Commonwealth of such allowances and expenses as are prescribed, to such classes of persons as are prescribed ;
- (b) the supply by the Commonwealth of household furniture, not exceeding the prescribed value, to such classes of persons as are prescribed ; and
- (c) the supply of tools of trade, plant and equipment, professional instruments and other articles of personal equipment (other than clothing), not exceeding the prescribed value, to such classes of persons as are prescribed.

Regulations.

137.—(1.) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds for any offence against the regulations.

(2.) Regulations may be made providing for the repeal or amendment of, or the addition to, any of the provisions of this Act.

(3.) Any regulations made in pursuance of the last preceding sub-section shall, by force of this sub-section, if not sooner repealed, be repealed at the termination of all the wars in which His Majesty was engaged at the date of commencement of this Part.

(4.) Upon the repeal of regulations by virtue of the last preceding sub-section, the provisions of this Act shall have effect as if no regulation had been made in pursuance of sub-section (2.) of this section

COMMONWEALTH ELECTORAL (WAR-TIME).

No. 12 of 1945.

An Act to amend the *Commonwealth Electoral (War-time) Act 1940-1944*.

[Assented to 1st August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Electoral (War-time) Act 1945*. Short title and citation.

(2.) The *Commonwealth Electoral (War-time) Act 1940-1944** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Electoral (War-time) Act 1940-1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section five of the Principal Act is amended by omitting from the definition of "election" the words "a general" (first occurring) and inserting in their stead the word "an". Definitions.

4. After section five of the Principal Act the following section is inserted:—

"5A. In the application of this Act to an election for the House of Representatives (not being a general election for the House of Representatives), references in this Act to each Division and to each Divisional Returning Officer shall be read as references to the Division for which the election is being held, and to the Divisional Returning Officer for that Division, respectively."

Application of Act to by-elections.

5. Section eight of the Principal Act is amended by omitting from sub-section (2.) the words "a general" and inserting in their stead the word "an". Action by Chief Electoral Officer.

6. Section eighteen A of the Principal Act is amended by inserting in paragraphs (b), (c) and (d), before the word "the" (first occurring), the words "except at a House of Representatives election which is not a general election,". Voting by members of the Forces within a State.

* Act No. 48, 1940, as amended by No. 27, 1943, and No. 14, 1944.

COMMONWEALTH BANK.

No. 13 of 1945.

An Act relating to the Commonwealth Bank of Australia and the Commonwealth Savings Bank of Australia, and for other purposes.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

- | | |
|---------------|--|
| Short title. | 1. This Act may be cited as the <i>Commonwealth Bank Act 1945</i> . |
| Commencement. | 2. The several Parts of this Act shall commence on such dates as are respectively fixed by Proclamation. |
| Parts. | 3. This Act is divided into Parts, as follows :— |
- Part I.—Preliminary.
 - Part II.—Constitution of the Commonwealth Bank.
 - Part III.—Central Banking.
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Part XII.—The Commonwealth Savings Bank.

Part XIII.—The Commonwealth Bank Service.

Division 1.—Appointments and Examinations.

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Division 3.—Tenure of Office.

Division 4.—Dismissals and Punishments.

Division 5.—General.

Part XIV.—Miscellaneous.

4. The Acts specified in the First Schedule to this Act are Repealed.

5. In this Act, unless the contrary intention appears—

Definitions.

“Australia” includes the Territories of the Commonwealth;

“bank” means a person carrying on the business of banking;

“primary produce” means goods specified in the Second Schedule to this Act and includes such primary produce, and goods associated with the production of primary produce, as is prescribed;

“the Bank” or “the Commonwealth Bank” means the Commonwealth Bank of Australia established under the *Commonwealth Bank Act* 1911–1943 and continued in existence under this Act, but does not include the Savings Bank;

“the Deputy Governor” means the Deputy Governor of the Bank;

“the Governor” means the Governor of the Bank;

“the Savings Bank” or “the Commonwealth Savings Bank” means the Commonwealth Savings Bank of Australia established under the *Commonwealth Bank Act* 1911–1943 and continued in existence under this Act.

6. This Act shall extend to all the Territories of the Commonwealth.

Application
to Territories.

PART II.—CONSTITUTION OF THE COMMONWEALTH BANK.

7. Notwithstanding the repeal effected by section four of this Act, the Commonwealth Bank of Australia established under the *Commonwealth Bank Act* 1911–1943—

The
Commonwealth
Bank.

(a) shall be preserved and continue in existence under and subject to the provisions of this Act, so that the corporate identity of the Commonwealth Bank of Australia shall not be affected; and

(b) shall continue to be a body corporate with perpetual succession and a common seal, and shall continue to have power to hold land, and to sue or be sued in its corporate name.

General
functions
of Common-
wealth Bank

8. It shall be the duty of the Commonwealth Bank, within the limits of its powers, to pursue a monetary and banking policy directed to the greatest advantage of the people of Australia, and to exercise its powers under this Act and the *Banking Act* 1945 in such a manner as, in the opinion of the Bank, will best contribute to—

- (a) the stability of the currency of Australia ;
- (b) the maintenance of full employment in Australia ; and
- (c) the economic prosperity and welfare of the people of Australia.

Differences
of opinion
between
Government
and Bank on
questions
of policy.

9.—(1.) The Bank shall, from time to time, inform the Treasurer of its monetary and banking policy.

(2.) In the event of any difference of opinion between the Bank and the Government as to whether the monetary and banking policy of the Bank is directed to the greatest advantage of the people of Australia, the Treasurer and the Bank shall endeavour to reach agreement.

(3.) If the Treasurer and the Bank are unable to reach agreement, the Treasurer may inform the Bank that the Government accepts responsibility for the adoption by the Bank of a policy in accordance with the opinion of the Government and will take such action (if any) within its powers as the Government considers to be necessary by reason of the adoption of that policy.

(4.) The Bank shall then give effect to that policy.

Bank
guaranteed by
Commonwealth.

10. The Commonwealth shall be responsible for the payment of all moneys due by the Bank but nothing in this section shall authorize any creditor or other person claiming against the Bank to sue the Commonwealth in respect of his claim.

PART III.—CENTRAL BANKING.

Commonwealth
Bank to act
as a central
bank.

11. The Commonwealth Bank shall act as a central bank.

Commonwealth
Bank to be
banker for
Commonwealth.

12. The Commonwealth Bank shall, in so far as the Commonwealth requires it to do so, act as banker and financial agent of the Commonwealth.

General
powers.

13. The Commonwealth Bank shall have power to carry on the business of a central bank and shall, without limiting the generality of the foregoing, have power, in addition to any other powers conferred on it by this Act—

- (a) to regulate the note issue in accordance with Part VII. of this Act ;
- (b) to receive money on deposit ;
- (c) to borrow money ;
- (d) to lend money ;

- (e) to buy, sell, discount and re-discount bills of exchange, promissory notes and Treasury Bills;
- (f) to buy and sell securities issued by the Government of the Commonwealth and other securities;
- (g) to buy, sell and otherwise deal in foreign currency, specie, gold and other precious metals;
- (h) to establish credits and give guarantees;
- (i) to issue bills and drafts and effect transfers of money;
- (j) to underwrite loans;
- (k) to acquire and hold land on any tenure; and
- (l) to do anything incidental to any of its powers.

14. The capital of the Commonwealth Bank for the purposes of this Part shall be the aggregate of—

- (a) the sum of Four million pounds, which shall be provided from the capital and Reserve Fund of the Commonwealth Bank as existing immediately prior to the commencement of this Part; and
- (b) such other sums as are transferred from the Commonwealth Bank Reserve Fund in pursuance of the next succeeding section.

15.—(1.) The net profits of the Bank in each year arising from business carried on under this Part shall be dealt with as follows:—

- (a) one-quarter shall be placed to the credit of a fund to be called the Commonwealth Bank Reserve Fund;
- (b) one-quarter shall be paid to the Mortgage Bank Department; and
- (c) one-half shall be paid into the National Debt Sinking Fund.

(2.) When the capital of the Mortgage Bank Department has reached the sum of Four million pounds, any amount which, but for this sub-section, would be paid to that Department, shall be placed to the credit of the Commonwealth Bank Reserve Fund.

(3.) The Governor may, from time to time, transfer from the Commonwealth Bank Reserve Fund to the capital of the Bank such sums as he thinks fit.

16. The Bank shall publish, at least weekly, its telegraphic transfer rates of exchange for sterling expressed in terms of Australian money.

PART IV.—GENERAL BANKING BUSINESS.

17.—(1.) The Commonwealth Bank shall carry on general banking business.

(2.) The Bank shall have such powers as are necessary for the purpose of carrying on general banking business and shall, without limiting the generality of the foregoing, have all the powers referred to in paragraphs (b) to (l) (inclusive) of section thirteen of this Act.

(3.) The Bank shall carry on its general banking business in a division of the Bank to be known as the General Banking Division.

(4.) The Bank shall keep the accounts and transactions of the General Banking Division separate and distinct from the other accounts and transactions of the Bank.

Bank to
develop its
general
banking
business

18.—(1.) It shall be the duty of the Bank, through the General Banking Division, to develop and expand its general banking business.

(2.) The Bank, through the General Banking Division, shall not refuse to conduct banking business for any person, by reason only of the fact that to conduct that business would have the effect of taking away business from another bank.

Capital

19. The capital of the General Banking Division shall be the aggregate of—

(a) the sum of Four million pounds, which shall be provided from the capital and Reserve Fund of the Commonwealth Bank as existing immediately prior to the commencement of this Part; and

(b) such other sums as are transferred from the General Banking Division Reserve Fund in pursuance of the next succeeding section.

Profits and
Reserve Fund.

20.—(1.) The net profits of the General Banking Division in each year shall be dealt with as follows:—

(a) one-half shall be placed to the credit of a fund to be called the General Banking Division Reserve Fund; and

(b) one-half shall be paid into the National Debt Sinking Fund.

(2.) The Governor may, from time to time, transfer from the General Banking Division Reserve Fund to the capital of the General Banking Division such sums as he thinks fit.

Receipts and
expenditure

21. The Governor may allot to the General Banking Division such portion of the general receipts and expenditure of the Bank as, in his opinion, is referable to that Division.

Certain
accounts not
to be kept
in General
Banking
Division

22. The Special Accounts established by banks under Division 3 of Part II. of the *Banking Act* 1945, and the accounts established by banks for the purposes of section fifty-two of the *Banking Act* 1945, shall not be kept in the General Banking Division.

PART V.—MANAGEMENT OF THE COMMONWEALTH BANK.

Division 1.—The Governor and Deputy Governor.

Governor and
Deputy
Governor.

23.—(1.) There shall be a Governor and a Deputy Governor of the Bank, who shall be appointed by the Governor-General, and shall hold office during good behaviour for a period not exceeding seven years but shall be eligible for re-appointment.

(2.) The persons holding office as Governor and Deputy Governor of the Bank immediately prior to the commencement of this Part shall, subject to this Part, continue to hold office for the remainder of their respective periods of appointment.

(3.) The Governor and Deputy Governor shall be paid such salary and allowances as the Governor-General determines.

24. The Governor or the Deputy Governor shall be deemed to have vacated his office if—

Vacation of
office of
Governor and
Deputy
Governor in
certain
circumstances

- (a) he engages in any paid employment outside the duties of his office ;
- (b) he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ; or
- (c) he becomes permanently incapable of performing his duties.

25. The Bank shall be managed by the Governor.

Bank to be
managed by
Governor.
Duties of
Deputy
Governor.

26. The Deputy Governor shall perform such duties as the Governor directs.

Deputy
Governor to
act when no
Governor.

27. In the event of a vacancy in the office of Governor, the Deputy Governor shall perform the duties of the Governor and shall have and may exercise the powers and functions of the Governor.

28. The Secretary to the Department of the Treasury and the Governor shall establish a close liaison with each other and shall keep each other fully informed on all matters which jointly concern the Department of the Treasury and the Bank.

Treasury and
Commonwealth
Bank to
establish
liaison

Division 2.—The Advisory Council.

29.—(1.) There shall be an Advisory Council to advise the Governor with respect to the monetary and banking policy of the Bank, and with respect to such other matters as the Governor refers to the Advisory Council.

Advisory
Council

(2.) The Advisory Council shall consist of—

- (a) the Secretary to the Department of the Treasury ;
- (b) the Deputy Governor ;
- (c) an additional representative of the Department of the Treasury, who shall be an officer of the Public Service of the Commonwealth and shall be appointed by the Governor-General ; and
- (d) two officers of the Bank, who shall be appointed by the Treasurer, on the recommendation of the Governor.

(3.) Each of the members of the Advisory Council referred to in paragraphs (c) and (d) of the last preceding sub-section shall be appointed for a term not exceeding three years but shall be eligible for re-appointment.

(4.) In the event of a member of the Advisory Council referred to in paragraph (c) or (d) of sub-section (2.) of this section ceasing to be an officer of the Public Service of the Commonwealth or of the Bank, as the case may be, he shall cease to be a member of the Advisory Council.

(5.) Each of the members of the Advisory Council referred to in paragraphs (a) and (c) of sub-section (2.) of this section shall be paid an allowance by the Bank at the rate of Six hundred pounds per annum.

Governor to
preside at
meetings of
Council.

30. The Governor shall attend and preside at all meetings of the Advisory Council but shall not be entitled to vote and shall not be counted for the purposes of a quorum.

Quorum of
Council.

31. Three members of the Advisory Council shall form a quorum.

Meetings of
Council

32. The Advisory Council shall meet at least once in each month.

PART VI.—MISCELLANEOUS PROVISIONS RELATING TO THE COMMONWEALTH BANK.

Head Office.

33. The head office of the Commonwealth Bank shall be at Sydney in the State of New South Wales.

Establishment
of branches
and agencies

34. The Bank may establish branches and agencies at such places, whether within or beyond Australia, as the Bank thinks fit.

Agents.

35. The Bank may arrange with any person to act as agent of the Bank in any place whether within or beyond Australia.

Bank may act
as agent.

36. The Bank may act as the agent of any bank carrying on business within or beyond Australia.

Attorney of
Bank

37. The Bank may, by instrument under its common seal, appoint any person (whether in Australia or in a place beyond Australia) to be an attorney of the Bank, and any person so appointed may, subject to the instrument, do any act or execute any power or function which he is authorized by the instrument to do or execute.

Amalgamation
of other banks
with
Commonwealth
Bank.

38. The Bank may, with the approval of the Treasurer, enter into an arrangement with any other bank for the transfer to the Bank, upon such terms and conditions as are agreed upon between the Bank and that other bank, of the whole or any part of the assets, liabilities and business of that other bank.

PART VII.—NOTE ISSUE DEPARTMENT.

Division 1.—General.

Definitions.

39. In this Part, unless the contrary intention appears—

“Australian note” means a note issued in pursuance of the *Australian Notes Act 1910–1914*, in pursuance of Part VII. of the *Commonwealth Bank Act 1911–1943* or in pursuance of this Part;

“constable” includes any member of the police force of the Commonwealth or of a State or Territory of the Commonwealth and any Peace Officer appointed under the *Peace Officers Act 1925*;

“the Note Issue Department” means the Note Issue Department of the Commonwealth Bank established in pursuance of this Part.

40.—(1.) For the purposes of this Part, there shall be a Note Issue Department of the Bank. Establishment of Note Issue Department.

(2.) The Bank shall keep the accounts and transactions of the Note Issue Department separate and distinct from the other accounts and transactions of the Bank.

41.—(1.) Subject to this Act, the Bank may, through the Note Issue Department— Issue, re-issue and cancellation of notes.

- (a) issue Australian notes;
- (b) re-issue Australian notes; and
- (c) cancel Australian notes.

(2.) Australian notes shall be printed by, or under the authority of, the Bank.

42. Australian notes may be issued in any of the following denominations, namely, Five shillings, Ten shillings, One pound, Five pounds, Ten pounds or any multiple of Ten pounds. Denomination of notes.

43. Australian notes shall be a legal tender throughout Australia. Notes to be legal tender.

44.—(1.) Australian notes issued in pursuance of this Part shall bear the signature of the Secretary to the Department of the Treasury or of such other officer of the Department of the Treasury as the Treasurer directs, and the signature of the Governor or of such officer of the Bank as the Governor directs. Signature on notes.

(2.) The signatures may be made in the hand-writing of those persons or may be made by engraving or any other process determined by the Bank.

45. The assets of the Note Issue Department (in so far as they do not consist of land, plant, equipment, stores and the like) shall be held or invested— Investment of assets of Note Issue Department.

- (a) in gold;
- (b) on deposit with any bank; or
- (c) in securities of the Government of the United Kingdom or of the Commonwealth or a State.

46. The amount which, immediately prior to the commencement of this Part, was standing to the credit of the special reserve account referred to in sub-section (4.) of section one hundred and nine of the *Commonwealth Bank Act 1911-1943* shall, subject to this Act, continue to be held in a special reserve account in the Note Issue Department, but shall be available, from time to time, as the Governor determines, for the purpose of preserving the external value of the Australian currency and for the purposes of the Note Issue Department. Special reserve.

Disposal of
profits.

47. The profits derived in each year from the issue of Australian notes (after payment of the working expenses of the Note Issue Department and after payment to the Bank of a commission at a rate approved by the Governor-General) shall be applied—

(a) in making payments to the Mortgage Bank Department at the rate of One hundred and fifty thousand pounds per annum, but no payment shall be made under this paragraph of an amount which would have the effect of increasing the capital of that Department to more than Four million pounds; and

(b) in the payment of the balance to the Commonwealth.

Monthly
statement of
notes issued

48.—(1.) As soon as practicable after the last Monday in each month, an officer appointed for the purpose by the Governor shall prepare and sign a statement showing, as at the close of business on that day, the number and amount of Australian notes on issue.

(2.) In preparing any such statement, notes of a denomination not exceeding One pound which have been on issue for more than twenty years, and notes of a denomination exceeding One pound which have been on issue for more than forty years, shall not be included.

(3.) Every such statement shall be countersigned by the Governor or Deputy Governor, shall be forwarded to the Treasurer and shall be published in the *Gazette*.

Banks to
furnish returns
of notes held

49. Every bank shall, as soon as practicable, furnish to the Bank at its head office a return in accordance with the prescribed form showing the amount of Australian notes held by that bank as at the close of business on Monday in each week.

Penalty: One hundred pounds.

Commonwealth
Bank not to
issue bank
notes.

50. The Bank shall not issue bills or notes (other than Australian notes) intended for circulation as money.

Other persons
not to issue
bank notes.

51. A person (including a State) shall not issue a bill or note for the payment of money payable to bearer on demand and intended for circulation.

Penalty: Five hundred pounds.

Reference to
Monday.

52. The regulations may provide that any reference in this Division to Monday shall be read as a reference to such other day as is prescribed.

Division 2.—Offences relating to Australian Notes.

Definition

53. In this Division, “form of any Australian note” means any form of an Australian note, not being a genuine Australian note, intended or likely to pass for an Australian note and includes any part of any such form.

54. A person shall not, with intent to defraud, forge, or utter knowing it to be forged, any Australian note. Forging or uttering notes

Penalty : Imprisonment for fourteen years.

55. A person shall not, without lawful excuse, have in his possession any forged Australian note. Possession of forged notes

Penalty : Imprisonment for four years.

56. A person shall not, without the authority of the Bank, make or have in his possession— Making, &c., of false forms

(a) any form of any Australian note ;

(b) any instrument or thing which may be used in making any form of any Australian note.

Penalty : Imprisonment for four years.

57. A person shall not, with intent to defraud, alter the amount of any Australian note. Alteration of notes forbidden

Penalty : Imprisonment for eight years.

58.—(1.) A person shall not, without the authority of the Bank make or have in his possession— Copying of notes forbidden.

(a) any copy of an Australian note ; or

(b) any writing, engraving, photograph or print resembling an Australian note or apparently intended to be, or to pass for, a copy of an Australian note.

Penalty : One hundred pounds or imprisonment for one year, or both.

(2.) This section shall not affect the liability of any person to be proceeded against for a higher offence, but a person shall not be liable to be punished twice in respect of the same act.

(3.) In this section, the expression "copy of an Australian note" includes any representation or negative of an Australian note or part of an Australian note in any size or scale and any copy of an Australian note or part of an Australian note in any size or scale.

59. A person shall not—

(a) wilfully deface, disfigure or mutilate any Australian note ;

(b) make on, or attach to, any Australian note any advertisement ;
or

(c) design, make, issue or circulate any advertisement which is in the form of, resembles, or is apparently intended to resemble, any Australian note or part of any Australian note.

Penalty : Twenty pounds.

Defacing, &c., of notes.

60.—(1.) Any form of any Australian note, and any instrument or thing which may be used in making any form of any Australian note shall, if made by or in the possession of any person without the authority of the Bank, be forfeited to the Commonwealth. Forfeiture of illicit forms

(2.) Any constable may at any time seize any article forfeited under this section or any article which he has reasonable ground to believe is forfeited under this section and bring it before a court of summary jurisdiction.

(3.) A court of summary jurisdiction may, after such notice (if any) and to such person (if any) as it thinks fit to direct, order any article seized in pursuance of this section or the next succeeding section to be condemned or to be returned to the person from whom it was seized.

(4.) Any article condemned in pursuance of this section shall be dealt with as the Treasurer directs and, pending his direction, may be detained in such custody as the court directs.

Search
warrant.

61.—(1.) If a justice of the peace is satisfied by information made on oath by any constable that the constable has reasonable ground to believe that any article forfeited under the last preceding section is in any building or place, the justice of the peace may grant a search warrant authorizing any constable named in the warrant, with such assistance as he thinks necessary, to enter and search the building or place mentioned in the warrant, and for that purpose the constable may break open any part of the building or place and break open any article in the building or place and may seize and take away any article which he has reasonable ground to believe is forfeited under the last preceding section and shall bring it before a court of summary jurisdiction.

(2.) The laws of the State or Territory of the Commonwealth in which any such search warrant is granted shall, so far as applicable, apply to that search warrant.

Counterfeit
notes to be
marked.

62. Every officer charged with the receipt or disbursement of public moneys and every officer of a bank shall stamp or write in plain letters the word "counterfeit", "altered" or "worthless" upon every counterfeit or forged note in the form of an Australian note which is presented to him at his place of business.

PART VIII.—RURAL CREDITS DEPARTMENT.

Establishment
of Department.

63.—(1.) For the purposes of this Part, there shall be a Rural Credits Department of the Bank.

(2.) The Bank shall keep the accounts and transactions of the Rural Credits Department separate and distinct from the other accounts and transactions of the Bank.

Capital of
Department.

64. The capital of the Rural Credits Department shall be Two million pounds, being the amount of the capital of the Rural Credits Department of the Commonwealth Bank immediately prior to the commencement of this Part.

Loans by
Treasurer.

65. The Treasurer may, from time to time, out of moneys legally available, lend to the Bank, for the purposes of the Rural Credits Department, such amounts, and subject to such terms and conditions,

as are agreed upon between the Treasurer and the Bank, but the total of the sums so lent and not repaid shall not at any time exceed Three million pounds.

66. The Bank may make advances to the Rural Credits Department of such amounts, and subject to such terms and conditions, as the Governor determines.

Advances to
Department by
Bank.

67. Subject to this Part, advances may be made by the Bank, through the Rural Credits Department, upon the security of primary produce placed under the legal control of the Bank and upon such other security associated with the production or marketing of primary produce as the Bank thinks fit, to—

Advances by
Department.

(a) co-operative associations or marketing boards formed under the law of the Commonwealth or of a State or Territory of the Commonwealth; and

(b) such bodies, whether corporate or unincorporate, formed under the law of the Commonwealth or of a State or Territory of the Commonwealth as are specified by Proclamation.

68. An advance under the last preceding section shall not be made for a period of more than one year.

Period of
advances.

69. In lieu of making advances in accordance with the provisions of this Part, the Bank may, through the Rural Credits Department, on behalf of any body specified in paragraph (a) or (b) of section sixty-seven of this Act, discount bills secured upon primary produce placed under the legal control of the Bank.

Discounting
of bills.

70. Except as expressly provided by this Act, the funds of the Bank shall not be used in the business of the Rural Credits Department.

Funds of
Bank not to
be used except
in accordance
with this Act.
Profits of
Department.

71. The net profits of the Rural Credits Department in each year shall be dealt with as follows:—

(a) one-half shall be placed to the credit of a fund to be called the Rural Credits Department Reserve Fund; and

(b) one-half shall be placed to the credit of a fund to be called the Rural Credits Development Fund, which shall be used, in such manner as the Bank determines, for the promotion of primary production.

72. The Governor may allot to the Rural Credits Department such portion of the general receipts and expenditure of the Bank as, in his opinion, is referable to that Department.

Bank's receipts
and
expenditure in
relation to
Department.

73. Any surplus funds in the Rural Credits Department may be invested in such manner as the Governor thinks fit.

Investment of
surplus funds.

74. Nothing in this Part shall be taken to limit the powers of the Bank under any other provisions of this Act.

Part not to
limit Bank's
powers.

PART IX.—MORTGAGE BANK DEPARTMENT.

Establishment
of Mortgage
Bank
Department.

75.—(1.) For the purposes of this Part, there shall be a Mortgage Bank Department of the Bank.

(2.) The Bank shall keep the accounts and transactions of the Mortgage Bank Department separate and distinct from the other accounts and transactions of the Bank.

Capital of
Department.

76. The capital of the Mortgage Bank Department shall be Four million pounds, consisting of—

- (a) the amount of the capital of the Mortgage Bank Department of the Commonwealth Bank immediately prior to the commencement of this Part ;
- (b) the amounts paid to the Mortgage Bank Department from the net profits of the Bank ; and
- (c) the amounts paid to the Mortgage Bank Department from the profits derived from the issue of Australian notes.

Advances to
Department
by Bank and
Savings Bank.

77.—(1.) The Bank may make advances to the Mortgage Bank Department of such amounts, and subject to such terms and conditions, as the Governor determines, but so that the total amount of such advances not repaid shall not at any time exceed One million pounds.

(2.) The Savings Bank may make advances to the Bank, for use in the Mortgage Bank Department, of such amounts, and subject to such terms and conditions, as the Governor determines.

Funds of
Bank and
Savings Bank
not to be used
except in
accordance
with Act.
Advances by
Treasurer.

78. Except as expressly provided by this Act, the funds of the Bank or of the Savings Bank shall not be used in the business of the Mortgage Bank Department.

79.—(1.) The Treasurer may make advances to the Bank, for the purposes of the Mortgage Bank Department, of such amounts, and subject to such terms and conditions, as are agreed upon between the Treasurer and the Bank.

(2.) The Treasurer may from time to time, under the provisions of the *Commonwealth Inscribed Stock Act 1911–1943*, borrow money for the purpose of making advances to the Mortgage Bank Department under this section.

(3.) The Bank shall pay to the Treasurer half-yearly out of the funds of the Mortgage Bank Department interest on advances made in pursuance of this section and not repaid—

- (a) in the case of advances made from money borrowed under the last preceding sub-section—at the rate or rates equivalent to the effective rate or rates of interest payable by the Commonwealth on money so borrowed ; and
- (b) in any other case—at such rate as is agreed upon between the Treasurer and the Bank.

(4.) For the purposes of the last preceding sub-section, the effective rate or rates of interest payable by the Commonwealth on money borrowed in pursuance of sub-section (2.) of this section shall be such rate or rates as is or are certified in writing by the Auditor-General as being the effective rate or rates of interest payable by the Commonwealth on loans raised by the Treasurer out of which those advances were made, or on any conversion or renewal of any such loan.

80.—(1.) Subject to this Part, loans may be made by the Bank through the Mortgage Bank Department to any person engaged in farming, agricultural, horticultural, pastoral or grazing operations, or in such other form of primary production as the Bank thinks fit, upon the security of a mortgage to the Bank of an estate or interest in land in the Commonwealth owned by the borrower, where the land is used or is to be used primarily for farming, agricultural, horticultural, pastoral or grazing operations or in such other form of primary production as the Bank thinks fit.

Loans by
Department.

(2.) The estate or interest in land which may be the security for a mortgage to the Bank under the last preceding sub-section shall be—

- (a) an estate in fee-simple in land ;
- (b) any estate or interest in land held under any State Act relating to Crown lands ; or
- (c) any estate or interest in land held from the Crown or the Administration in any Territory being part of the Commonwealth.

(3.) A loan shall not be made under this section upon the security of a mortgage of any estate or interest in land which is subject to a prior mortgage or charge (other than a mortgage to the Bank to secure a loan made under this section or a statutory charge to the Commonwealth, to a State, to the Administration in any Territory being part of the Commonwealth, or to any statutory authority of the Commonwealth, or of a State or Territory of the Commonwealth) unless the prior mortgage or charge is discharged out of the money lent or otherwise.

(4.) Except to the extent that any money lent under this section is used to discharge a prior mortgage or charge, any money so lent shall be used by the borrower in connexion with his farming, agricultural, horticultural, pastoral or grazing operations, or in connexion with such other form of primary production as the Bank thinks fit, and where any money so lent is not used for any such purpose, the money lent, together with the interest on the money, shall, at the option of the Bank, become due and payable on demand, and, after the exercise of the option, interest shall accrue from day to day.

(5.) The owner of any estate or interest in land upon the security of which a loan has been made under this section shall not, without the consent in writing of the Bank, mortgage or charge the estate or interest in land upon the security of which the loan was made.

Terms and
conditions of
loans.

81. Subject to this Part, a loan made under this Part shall be on such terms and conditions as the Bank determines.

Period of loans.

82. A loan under this Part shall not be made for a period of less than five years or more than forty-one years.

Amount of
loans.

83. The amount of any loan under this Part, or, if there are two or more such loans to any one person or to persons jointly, the aggregate amount of those loans, shall not exceed seventy per centum of the value (as determined by the Bank) of the estate or interest in land on which the loan or loans are secured, or Five thousand pounds, whichever is the less.

Loans repayable
by periodical
instalments.

84.—(1.) A mortgage given as security for repayment of a loan under this Part shall provide for the payment of equal half-yearly instalments of principal and interest and for the payment, at the end of the period of the loan, of the balance (if any) then outstanding.

(2.) The amount of each such instalment shall be a sum equal to six months' interest on the original amount of the loan together with an amount not less than one-half of one per centum of the original amount of the loan.

Repayment of
loans before
maturity.

85.—(1.) A person indebted to the Bank in respect of a loan made under this Part may, at any time after the expiration of five years from the date of the mortgage, repay the balance of the loan then outstanding and any such person may, at any time before the expiration of that period, but subject to compliance with such terms and conditions as the Bank thinks fit, repay the balance of the loan then outstanding.

(2.) A person indebted to the Bank in respect of a loan made under this Part may, at any time, pay to the Bank any portion of the loan (being not less than Ten pounds) and the Bank shall credit to that person, half-yearly, interest on the amounts so paid at the rate of interest payable under the mortgage.

(3.) Interest so credited shall bear interest in the same manner as payments made under the last preceding sub-section.

(4.) Any payment made under sub-section (2.) of this section shall not affect the obligations of the person concerned to pay the instalments of principal and interest or other payments to be made under the mortgage.

(5.) The Bank may, in its discretion, and from time to time, apply any money paid under sub-section (2.) of this section, or any interest credited under this section, in reduction of the loan or in or towards payment of any money due under the mortgage.

(6.) A person shall not, during the currency of the loan, be entitled to receive from the Bank payment of any amount paid under sub-section (2.) of this section, or of any interest credited under this section, but when the amounts so paid, together with interest so credited, after deduction of any amount applied under the last

preceding sub-section, are sufficient to pay the amount owing to the Bank under the mortgage, the Bank shall apply so much thereof as is necessary in payment of that amount and shall account to the mortgagor for any surplus.

86.—(1.) Where any estate or interest in land which is the subject of a mortgage given in respect of a loan under this Part is—

Provisions
where
mortgaged land
transferred, &c.

(a) without the consent in writing of the Bank, transferred, conveyed, assigned, surrendered or otherwise dealt with or disposed of to ; or

(b) becomes by operation of law or otherwise vested in,

any person other than the mortgagor, the balance of the loan then remaining unpaid shall, at the option of the Bank, which may be exercised at any time, become due and payable immediately upon the exercise of the option and be recoverable with the interest thereon and that interest shall accrue thereafter from day to day.

(2.) Any consent of the Bank under paragraph (a) of the last preceding sub-section may be either unconditional or subject to such conditions as the Bank thinks fit, and, where any condition subject to which consent was given is not complied with, the balance of the loan then remaining unpaid shall, at the option of the Bank, which may be exercised at any time, become due and payable immediately upon the exercise of the option and be recoverable with interest thereon and that interest shall accrue thereafter from day to day.

87. The net profits of the Mortgage Bank Department in each year shall be placed to the credit of a fund to be called the Mortgage Bank Department Reserve Fund.

Profits of
Department.

88. The Governor may allot to the Mortgage Bank Department such portion of the general receipts and expenditure of the Bank as, in his opinion, is referable to that Department.

Bank's receipts
and expenditure
in relation to
Department.

89. The Bank may enter into an agreement with any authority of a State or with any savings bank for the performance by the authority or savings bank of such of the functions of the Bank under this Part as are specified in the agreement.

Arrangements
with State
authorities.

90. Any surplus funds in the Mortgage Bank Department may be invested in such manner as the Governor thinks fit.

Investment of
surplus funds.

91. Nothing in this Part shall be taken to limit the powers of the Bank under any other provisions of this Act.

Part not to
limit Bank's
powers.

PART X.—INDUSTRIAL FINANCE DEPARTMENT.

92.—(1.) For the purposes of this Part, there shall be an Industrial Finance Department of the Bank.

Establishment
of Industrial
Finance
Department.

(2.) The Bank shall keep the accounts and transactions of the Industrial Finance Department separate and distinct from the other accounts and transactions of the Bank.

General
Manager of
Department.

93.—(1.) There shall be a General Manager of the Industrial Finance Department, who shall be appointed by the Governor-General and shall hold office during good behaviour for a period not exceeding seven years but shall be eligible for re-appointment.

(2.) The General Manager of the Industrial Finance Department shall be paid such salary and allowances as the Governor-General determines.

(3.) The General Manager of the Industrial Finance Department shall be deemed to have vacated his office if—

- (a) he engages in any paid employment outside the duties of his office ;
- (b) he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ; or
- (c) he becomes permanently incapable of performing his duties.

Management of
Department.

94. The General Manager of the Industrial Finance Department shall, under the Governor, manage that Department.

General
functions of
Department.

95. The functions of the Industrial Finance Department shall be—

- (a) to provide finance for the establishment and development of industrial undertakings, particularly small undertakings ;
- (b) to assist in the establishment and development of industrial undertakings ; and
- (c) to provide advice on the operations of industrial undertakings with a view to promoting the efficient organization and conduct thereof.

Powers of
Department.

96. The Bank shall have, and may exercise through the Industrial Finance Department, such powers as are necessary for the exercise of the functions of the Industrial Finance Department under the last preceding section and, without limiting the generality of the foregoing, may, through the Industrial Finance Department—

- (a) lend money ; and
- (b) purchase or otherwise acquire shares and securities and sell or otherwise dispose of shares and securities so purchased or acquired.

Capital of
Department.

97.—(1.) The capital of the Industrial Finance Department shall be Four million pounds, consisting of—

- (a) the sum of Two million pounds, which shall be transferred from the special reserve account referred to in section forty-six of this Act ; and
- (b) the sum of Two million pounds, which shall be transferred from the other funds of the Bank.

(2.) The sums referred to in the last preceding sub-section shall be transferred in such instalments as, in the opinion of the Governor, are necessary for the business of the Industrial Finance Department, but when any amount is transferred under either paragraph of the last preceding sub-section, an equal amount shall, at the same time, be transferred under the other paragraph.

98.—(1.) The Treasurer may make advances to the Bank, for the purposes of the Industrial Finance Department, of such amounts, and subject to such terms and conditions, as are agreed upon between the Treasurer and the Bank.

Advances by
Treasurer

(2.) The Treasurer may from time to time, under the provisions of the *Commonwealth Inscribed Stock Act 1911–1943*, borrow money for the purpose of making advances to the Industrial Finance Department under this section.

(3.) The Bank shall pay to the Treasurer half-yearly out of the funds of the Industrial Finance Department interest on advances made in pursuance of this section and not repaid—

(a) in the case of advances made from money borrowed under the last preceding sub-section—at the rate or rates equivalent to the effective rate or rates of interest payable by the Commonwealth on money so borrowed; and

(b) in any other case—at such rate as is agreed upon between the Treasurer and the Bank.

(4.) For the purposes of the last preceding sub-section, the effective rate or rates of interest payable by the Commonwealth on money borrowed in pursuance of sub-section (2.) of this section shall be such rate or rates as is or are certified in writing by the Auditor-General as being the effective rate or rates of interest payable by the Commonwealth on loans raised by the Treasurer out of which those advances were made or on any conversion or renewal of any such loan.

99.—(1.) The Bank may make advances to the Industrial Finance Department of such amounts, and subject to such terms and conditions, as the Governor determines, but so that the total amount of those advances not repaid shall not at any time exceed One million pounds.

Advances to
Department by
Bank and
Savings Bank.

(2.) The Savings Bank may make advances to the Bank, for use in the Industrial Finance Department, of such amounts, and subject to such terms and conditions, as the Governor determines.

100. Except as expressly provided by this Act, the funds of the Bank or of the Savings Bank shall not be used in the business of the Industrial Finance Department.

Funds of Bank
and Savings
Bank not to
be used except
in accordance
with Act.

101.—(1.) The Bank shall not provide finance under this Part for the establishment or development of an industrial undertaking, unless the Bank is satisfied that the industrial undertaking has reasonable prospects of continuing to be, or of becoming, a profitable undertaking.

Circumstances
to be
considered in
providing
finance.

(2.) In determining whether or not finance shall be provided under this Part for the establishment or development of an industrial undertaking, the Bank shall have regard primarily to the prospects of the undertaking continuing to be, or becoming, a profitable undertaking and shall not necessarily have regard to the present value of the assets of the undertaking.

Terms and conditions

102. Finance provided under this Part shall be provided on such terms and conditions as the Bank determines.

Provision of staff and expert advice.

103. For the purposes of the efficient operation of the Industrial Finance Department, the Bank shall—

- (a) employ officers adequately experienced in the financing, organization and conduct of industrial undertakings; and
- (b) obtain such expert advice as is necessary.

Profits of Department.

104. The net profits of the Industrial Finance Department in each year shall be placed to the credit of a fund to be called the Industrial Finance Department Reserve Fund.

Bank's receipts and expenditure in relation to Department.

105. The Governor may allot to the Industrial Finance Department such portion of the general receipts and expenditure of the Bank as, in his opinion, is referable to that Department.

Investment of surplus funds.

106. Any surplus funds in the Industrial Finance Department may be invested in such manner as the Governor thinks fit.

Part not to limit Bank's powers

107. Nothing in this Part shall be taken to limit the powers of the Bank under any other provisions of this Act.

PART XI.—HOUSING LOANS.

Division 1.—Preliminary.

Housing loans.

108.—(1.) Subject to this Part, loans may be made by the Bank, through the General Banking Division, to individuals and to building societies, for the erection or purchase of homes or for the discharge of mortgages on homes.

(2.) In making such loans, the Bank shall give preference to loans for the erection of homes and for the purchase of newly erected homes.

Rates of interest.

109. Loans under this Part shall be made at the lowest practicable rates of interest.

Part not to limit Bank's powers.

110. Nothing in this Part shall be taken to limit the powers of the Bank under any other provisions of this Act.

Division 2.—Loans to Individuals.

Loans to individuals.

111. Loans to individuals shall be made, on *crédit foncier* terms, under and in accordance with the provisions of this Division.

Circumstances in which loans may be made.

112. A loan shall not be made under this Division unless the Bank is satisfied that the borrower is residing in the home, or will reside in the home within a reasonable time.

113.—(1.) A loan under this Division shall be made upon the security of a mortgage to the Bank of an estate or interest in land in Australia owned by the borrower.

Loans to be made on mortgage.

(2.) A loan shall not be made under this Division upon the security of a mortgage of any estate or interest in land which is subject to a prior mortgage or charge (other than a statutory charge to the Commonwealth, a State, the Administration in any Territory of the Commonwealth, or to any statutory authority of the Commonwealth or of a State or Territory of the Commonwealth) unless the prior mortgage or charge is discharged out of the money lent or otherwise.

(3.) The owner of any estate or interest in land upon the security of which a loan has been made under this Division shall not, without the consent in writing of the Bank, mortgage or charge the estate or interest in land upon the security of which the loan was made.

114. Subject to this Part, a loan made under this Division shall be on such terms and conditions as the Bank determines.

Terms and conditions of loans.

115. A loan under this Division shall not be made for a period of less than five years or for a period of more than thirty-five years.

Period of loans.

116. The amount of a loan under this Division shall not exceed eighty-five per centum of the value (as determined by the Bank) of the estate or interest in land on which the loan is secured, or One thousand two hundred and fifty pounds, whichever is the less.

Amount of loans.

117. A mortgage given as security for repayment of a loan under this Division shall provide for the payment of monthly or, at the option of the Bank, quarterly, instalments of principal and interest and for the payment, at the end of the period of the loan, of the balance (if any) then outstanding.

Loans repayable by periodical instalments.

118. The Bank may undertake the insurance of any home in respect of which a loan is made under this Division.

Power to insure homes.

119. The provisions of sections eighty-five and eighty-six of this Act shall apply in relation to a loan under this Division.

Application of certain provisions of Act.

Division 3.—Loans to Building Societies.

120. In this Division, "building society" means any building society specified by Proclamation as being a building society to which this Division applies and any building society included in a class of building societies specified by Proclamation as being a class of building societies to which this Division applies.

Definition.

121. Subject to this Part, loans to building societies shall be made on such security, and on such terms and conditions, as the Bank determines.

Terms and conditions of loans.

Amount of
loans.

122. Where a loan under this Division is made to a building society in respect of a home for the erection or purchase of which, or for the discharge of a mortgage on which, the building society has made a loan, the amount of the loan under this Division shall not exceed ninety per centum of the value (as determined by the Bank) of the estate or interest in land on which the loan made by the building society is secured.

PART XII.—THE COMMONWEALTH SAVINGS BANK.

Saving

123. Notwithstanding the repeal effected by section four of this Act, the Commonwealth Savings Bank of Australia established under the *Commonwealth Bank Act* 1911–1943—

- (a) shall be preserved and continue in existence under and subject to the provisions of this Act, so that the corporate identity of the Commonwealth Savings Bank of Australia shall not be affected ; and
- (b) shall continue to be a body corporate with perpetual succession and a common seal, and shall continue to have power to hold land, and to sue or be sued in its corporate name.

General powers
of Savings
Bank.

124. The Savings Bank shall have power to carry on the general business of a savings bank and shall, without limiting the generality of the foregoing, have power, in addition to any other powers conferred on it by this Act—

- (a) to receive money on deposit ;
- (b) to invest any money held by it in accordance with section one hundred and thirty-six of this Act ;
- (c) to acquire and hold land on any tenure ; and
- (d) to do anything incidental to any of its powers.

Amalgamation
of other savings
banks with
Commonwealth
Savings Bank.

125. The Savings Bank may, with the approval of the Treasurer, enter into an arrangement with the proper authority controlling any savings bank for the transfer to the Savings Bank, upon such terms and conditions as are agreed upon between the Savings Bank and the proper authority, of the whole or any part of the assets, liabilities and business of that savings bank.

Guarantee by
Commonwealth.

126. The Commonwealth shall be responsible for the payment of all moneys due by the Savings Bank but nothing in this section shall authorize any creditor or other person claiming against the Savings Bank to sue the Commonwealth in respect of his claim.

Management.

127. The Savings Bank shall be managed by the Governor.

Officers.

128. The Bank shall make available to the Savings Bank the services of such officers of the Bank as are necessary for efficiently conducting the business of the Savings Bank.

129. The Savings Bank may, by instrument under its common seal, appoint any person (whether in Australia or in a place beyond Australia) to be an attorney of the Savings Bank, and any person so appointed may, subject to the instrument, do any act or execute any power or function which he is authorized by the instrument to do or execute.

Attorney of
Savings Bank.

130. The head office of the Savings Bank shall be at Sydney in the State of New South Wales.

Head Office.

131. The Savings Bank may establish branches, agencies and sub-agencies at such places, whether within or beyond Australia, as the Savings Bank thinks fit.

Establishment
of branches
and agencies.

132. The Savings Bank may enter into arrangements for the carrying out of any portion of its business with a bank, a body corporate, or an authority established under the law of the Commonwealth or of a State or Territory of the Commonwealth, or with any other person.

Savings Bank
may enter into
arrangements
with other
banks, &c.

133. The Savings Bank may arrange with the Minister administering any Department of the Commonwealth for an officer of the Department to act as agent of the Savings Bank for the transaction of the business of the Savings Bank.

Commonwealth
officers may act
as agents of
Savings Bank.

134. The Savings Bank shall reimburse the Bank the cost of services rendered by the Bank to the Savings Bank.

Reimbursement
of costs of
Savings Bank.

135. The net profits of the Savings Bank in each year shall be dealt with as follows :—

Profits of
Savings Bank.

- (a) one-half shall be placed to the credit of a fund to be called the Savings Bank Reserve Fund ; and
- (b) one-half shall be paid into the National Debt Sinking Fund.

136. The Savings Bank may invest any money held by it—

Investment of
funds.

- (a) in any security issued by the Government of the Commonwealth or of a State, of the United Kingdom or of any other part of the King's dominions, or in any security issued or guaranteed by any authority constituted by or under any Act or State Act ;
- (b) on loan on the security of land ;
- (c) in advancing money for the erection of warehouses or storage facilities intended for the warehousing or storage of primary produce, including the erection of plant for treatment to ensure its preservation and treatment for marketing ;
- (d) on deposit with the Commonwealth Bank ; and
- (e) in any other prescribed manner.

137. The Savings Bank may receive from any person, by way of deposit, any sum of money (which shall not, except as prescribed, be less than One shilling) and shall cause the amount of the money so received to be placed to the credit of that person or such other person as he appoints.

Receipt of
deposits.

Pass books.

138.—(1.) Where an account is opened at a branch of the Savings Bank, a pass book shall forthwith be issued to the depositor.

(2.) Where an account is opened at an agency or sub-agency of the Savings Bank, a pass book shall be issued to the depositor as soon as is practicable.

(3.) Every depositor's pass book shall be the property of the Savings Bank and shall be delivered to the Savings Bank when required by the Savings Bank.

Deposits to be made at office.

139. A depositor shall not have any claim against the Savings Bank in respect of any deposit unless the deposit was made at some branch, agency or sub-agency of the Savings Bank and during the hours during which the branch, agency or sub-agency was open for the receipt of deposits.

Interest on deposits.

140.—(1.) The Savings Bank may allow on any sum, not being less than One pound, to the credit of a depositor interest at such rate as the Governor from time to time determines.

(2.) The Governor may determine different rates of interest according to the amount to the credit of the depositor.

(3.) The Governor may determine that interest shall not be payable in respect of so much of the amount to the credit of a depositor as exceeds an amount fixed by the Governor.

Calculation of interest.

141.—(1.) Interest on deposits shall be calculated once in each year up to the thirty-first day of May, and shall be carried to the credit of the accounts of the respective depositors not later than the fifteenth day of June in each year and shall thereupon become principal and shall, subject to any limitation on the amount on which interest is payable, bear interest as from the first day of June in the same year.

(2.) No fractional part of any month shall be taken into account in the calculation of interest nor shall interest less than One penny be carried to the credit of any account.

Withdrawals.

142.—(1.) Before any money standing to the credit of an account is withdrawn, the Savings Bank may require a withdrawal form to be presented to the Savings Bank, signed by the depositor or other person to whom the money is lawfully payable, and may also require the pass book to be presented to the Savings Bank.

(2.) The money withdrawn may be paid to the person presenting the withdrawal form, and, if that person is not the depositor or other person to whom the money is lawfully payable, the receipt of the money by the person presenting the withdrawal form shall, for all purposes, have the same effect as the receipt of the money by the depositor or other person to whom the money is lawfully payable.

(3.) A depositor shall only be entitled to withdraw money standing to his credit after the prescribed notice of withdrawal has been given by him to the Savings Bank.

143.—(1.) The Savings Bank may receive deposits from, or for the use or benefit of, any infant and the Savings Bank may pay to an infant, when and after he has attained the age of twelve years, or appears to the officer making the payment to have attained that age, any money standing to his credit in the Savings Bank, in the same manner and upon the same conditions as are applicable to other depositors, and the receipt of the money by the infant shall be a good discharge to the Savings Bank.

Deposits by
Infants.

(2.) Where the Savings Bank is satisfied that any money standing to the credit of an infant under the age of twelve years in the Savings Bank should, in the interests of the infant, be paid to his parent or guardian, the Savings Bank may make payment accordingly and the receipt of the money by the parent or guardian shall be a good discharge to the Savings Bank.

144. Every deposit in the name of a woman, whether made before or after her marriage, shall, as against her husband and any person claiming through or under him, be deemed to be her separate property and to belong to her in her own right as if she were unmarried.

Married
women's
deposits.

145.—(1.) The Savings Bank may receive deposits from any person (in this section referred to as "the trustee") who declares himself willing to act as trustee for any other person, whether that other person is under a disability or not, and the Savings Bank may pay any amount standing to the credit of the account to the trustee and the receipt of the money by the trustee shall be a good discharge to the Savings Bank.

Deposits by
trustees.

(2.) The Savings Bank may, if it thinks fit, require the consent of the beneficiary before any payment is made to the trustee.

(3.) A person, other than the trustee, shall not have any claim against the Savings Bank in respect of any money deposited under this section, but nothing in this section shall relieve the trustee from any liability to account for or apply the money in accordance with law.

146.—(1.) Where a person dies leaving any money deposited with the Savings Bank to an amount not exceeding Two hundred pounds and probate of his will or letters of administration of his estate are not produced to the Savings Bank, or notice in writing of the existence of a will and of intention to prove it or to take out letters of administration is not given to the Savings Bank within one month after the death of the depositor, the Savings Bank may, in its discretion apply the money—

Payment out of
deposits not
exceeding £200
on death of
depositor.

(a) in payment of the funeral expenses of the deceased depositor, or in reimbursing any person who has paid those expenses; and

(b) in payment of the balance to the widower or widow or some relation of the deceased depositor or to such other person as the Savings Bank in the circumstances thinks fit.

(2.) A person shall not have any claim against the Savings Bank in respect of anything done in pursuance of this section, but nothing in this section shall relieve the person receiving the money from any liability to account for or apply the money in accordance with law.

Payment on death of illegitimate depositor.

147. Where a person, being illegitimate, dies intestate leaving any money deposited with the Savings Bank, the Savings Bank may pay the money to the widower or widow or such natural relation of the deceased depositor as, in the opinion of the Savings Bank, has the best claim thereto, and the receipt of the money by the person to whom the payment is made shall be a good discharge to the Savings Bank.

Insanity or incapacity of depositor.

148. Where a person having any money deposited with the Savings Bank becomes insane or otherwise incapacitated, and his insanity or incapacity is proved to the satisfaction of the Savings Bank and the Savings Bank is satisfied as to the urgency of the case, the Savings Bank may pay the money standing to the credit of the depositor to such person as the Savings Bank thinks proper, and the receipt of the money by that person shall be a good discharge to the Savings Bank.

Deposits by societies.

149. The Savings Bank may receive deposits from any local authority, friendly society, co-operative society or any society, body or club (not being an incorporated or unincorporated company or other body engaged in or formed for the purpose of trading or acquiring pecuniary profit or other gain), and the receipt by the treasurer of the local authority, society, body or club, or by an officer of the local authority, society, body or club authorized in that behalf, of any money standing to the credit of the account, or the payment of any cheque drawn by the treasurer or by any such officer, shall be a good discharge to the Savings Bank.

Trading companies not to make deposits.

150. An incorporated or unincorporated company or other body engaged in or formed for the purpose of trading or acquiring pecuniary profit or other gain shall not be entitled to make any deposit with the Savings Bank.

Unclaimed deposits.

151.—(1.) Where, in respect of a depositor's account (not being an account in the name of an infant) there has not, for a period of not less than seven years, been any operation upon the account by deposit or withdrawal and the pass book has not been presented to the Savings Bank, all money standing to the credit of the account may be credited to a fund to be called the Depositors' Unclaimed Fund and shall thereupon cease to bear interest.

(2.) The Savings Bank may, on being satisfied that any person is entitled to any money which has been credited to the Depositors' Unclaimed Fund, make payment of the money to him, and the receipt by him of the money shall be a good discharge to the Savings Bank.

(3.) A list of the amounts of not less than Five pounds credited in any year to the Depositors' Unclaimed Fund and not claimed shall be published in the *Gazette* within six months after the end of the year to which the list relates.

(4.) All moneys in respect of which a claim is not established within ten years after having been credited to the Depositors' Unclaimed Fund shall cease to be claimable and shall become the absolute property of the Savings Bank, but the Savings Bank may allow any claim after the expiration of that period if it is satisfied that special reasons exist for the payment of the claim.

152. Bills of exchange (including cheques) drawn on the Savings Bank, and receipts or orders given to the Savings Bank in relation to any money withdrawn from the Savings Bank, shall not be liable to stamp duty or other tax under any law of the Commonwealth or of a State or Territory of the Commonwealth.

Bills of exchange, &c., not liable to stamp duty.

PART XIII.—THE COMMONWEALTH BANK SERVICE.

Division 1.—Appointments and Examinations.

153.—(1.) The Bank shall appoint such officers as are necessary for the efficient conduct of the business of the Bank.

Appointment of officers.

(2.) The officers of the Bank shall constitute the Commonwealth Bank Service (in this Part referred to as "the Service of the Bank").

(3.) Subject to this Part, the officers of the Bank shall hold office on such terms and conditions as the Bank determines.

154. The Bank may appoint such temporary and casual employees as it thinks fit, on such terms and conditions as the Bank determines.

Temporary and casual employees.

155.—(1.) The officers and servants of the Bank holding office or employed by the Bank immediately prior to the commencement of this Part shall continue to hold office or be employed as if they had been appointed or employed under this Part.

Saving of existing appointments.

(2.) An officer of the Bank who retained all his existing and accruing rights under section thirty of the *Commonwealth Bank Act* 1911-1943 shall continue to retain those rights.

156.—(1.) Subject to this Part, a person shall not be appointed to the Service of the Bank unless—

Requirements for appointment to Service of the Bank.

(a) he is a British subject ;

(b) the Bank is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness ; and

(c) he has in open competition passed a prescribed entrance examination.

(2.) The Bank may appoint persons who have not passed a prescribed entrance examination to such positions, or to positions of such classes, as are prescribed.

(3.) Where the Bank enters into an arrangement under section thirty-eight of this Act, or the Savings Bank enters into an arrangement under section one hundred and twenty-five of this Act, the Bank may appoint to the Service of the Bank officers of the body corporate or savings bank with which the arrangement is made although they have not passed a prescribed entrance examination.

Admission to
examinations

157. A person shall not be admitted to a prescribed entrance examination unless that person is of the required sex and age and the Bank is satisfied, upon the certificate of a person included in a prescribed class of persons, as to his good character.

Notice of
examinations.

158. Adequate notice and particulars of each prescribed entrance examination shall be given by the Bank to the public by advertisements in the *Gazette* and in the daily newspapers.

Separate
examinations
may be held
in each State
Appointments
to be made in
order of merit

159. Separate entrance examinations may be held in each State.

160.—(1.) The appointments of persons who have passed a prescribed entrance examination shall be made in the order of merit in which those persons passed that examination.

(2.) Nothing in the last preceding sub-section shall require the Bank to appoint a person—

(a) who has previously refused appointment; or

(b) who passed the prescribed entrance examination more than twelve months previously.

Appointment of
person
without
examination.

161.—(1.) If at any time in any special case it appears expedient or desirable in the interests of the Bank to appoint to the Service of the Bank a person who has not passed a prescribed entrance examination, the Bank may appoint that person without examination.

(2.) No such appointment shall be made unless the Governor certifies that, in his opinion, there is no officer available in the Service of the Bank who is as capable of filling the position to which it is proposed that the appointment shall be made.

(3.) A copy of every certificate under the last preceding sub-section shall be laid before each House of the Parliament within fifteen sitting days of that House after the appointment is made.

Division 2.—Classification and Promotions.

Classification

162.—(1.) As soon as practicable after the commencement of this Part, the Bank shall classify the positions in the Service of the Bank and shall determine the salary, or the range of salary, applicable to each position.

(2.) The classification of each position, the name of the officer occupying the position and the salary of the officer shall be made known to the officers of the Bank in the prescribed manner.

(3.) A statement showing the classification of each position, the name of the officer occupying the position and the salary of the officer shall be forwarded to the Treasurer, for presentation to the Parliament.

Creation and
abolition of
positions

163. The Bank may create any position in the Service of the Bank and may abolish any such position.

Reclassification.

164.—(1.) The Bank may, from time to time, reclassify any position in the Service of the Bank by raising or lowering the salary, or the range of salary, applicable to the position.

(2.) Whenever any position is reclassified the position shall be deemed to be vacant.

165.—(1.) In the selection of an officer for promotion to a vacant position, consideration shall be given first to the relative efficiency of the officers available for promotion and, in the event of equality of efficiency of two or more officers, then to the relative seniority of those officers.

Selection of
officers for
promotion.

(2.) For the purposes of this section—

(a) “efficiency” means special qualifications and aptitude for the discharge of the duties of the position to be filled, together with merit, diligence and good conduct, and, in the case of an officer who has at any time been engaged on war service, includes such efficiency as, in the opinion of the Bank, the officer would have attained but for his absence on war service; and

(b) the seniority of officers shall be determined as prescribed.

166.—(1.) The promotion of an officer to a vacant position shall be provisional and without increased salary pending confirmation of the promotion, and shall be notified in the prescribed manner, and shall be subject to appeal as provided by this section.

Appeals
against
promotions.

(2.) Any officer who considers that he should have been promoted to a vacant position in preference to the officer provisionally promoted, may appeal to the Promotions Appeal Board on the ground of superior efficiency or equal efficiency and seniority.

(3.) The regulations may prescribe the manner in which, and the time within which, appeals may be made under this section.

(4.) Upon any such appeal being made, the Promotions Appeal Board shall make full inquiry into the claims of the appellant and those of the officer provisionally promoted and shall determine the appeal.

(5.) Where the appeal is upheld the appellant shall be promoted to the vacant position and the provisional promotion shall be cancelled.

(6.) Where the appeal is disallowed, or where no appeal is lodged within the prescribed time, the provisional promotion shall be confirmed.

(7.) Notwithstanding anything contained in this section, the Bank may, at any time after notification has been made of a provisional promotion to a vacant position, and before the promotion has been confirmed, cancel the provisional promotion if the Bank is satisfied that the position is unnecessary or can be filled by the transfer of another officer, or that in the circumstances notification or further notification of the vacant position is desirable.

(8.) The powers of the Bank under the last preceding sub-section may be exercised whether an appeal has been made or not.

167.—(1.) For the purposes of this Division, there shall be an Appeal Board (in this Act referred to as “the Promotions Appeal Board”).

Promotions
Appeal Board.

(2.) The Promotions Appeal Board shall consist of—

- (a) a Chairman, who shall be appointed by the Governor-General and shall hold office on such terms and conditions as the Governor-General determines ;
- (b) an officer appointed by the Governor ; and
- (c) an officer elected by the officers of the Bank in the prescribed manner, in this section referred to as the " officers' representative ".

(3.) The officers' representative shall hold office for such period as is prescribed but shall be eligible for re-election.

(4.) The officers of the Bank may, in the prescribed manner, elect a deputy of the officers' representative and the deputy so elected shall hold office for such period as is prescribed but shall be eligible for re-election.

(5.) A deputy so elected may, in the event of there being a vacancy in the office of officers' representative, or in the event of the absence of the officers' representative (whether in pursuance of a direction given under the next succeeding sub-section, or through illness or otherwise), attend and vote at meetings of the Promotions Appeal Board, and, when so attending and voting at a meeting, shall, for the purposes of sub-section (7.) of this section, be deemed to be a member of the Promotions Appeal Board in lieu of the officers' representative.

(6.) Where the Chairman of the Promotions Appeal Board is of opinion that the officers' representative is personally interested in, or affected by, any question to be considered at a meeting of the Promotions Appeal Board, the Chairman may direct that the officers' representative shall absent himself from that meeting while that question is considered and decided.

(7.) Where, at any meeting of the Promotions Appeal Board, the members are divided in opinion on any question, that question shall be decided according to the decision of the majority.

Division 3.—Tenure of Office.

Tenure of
office.

168.—(1.) Every officer who has attained the age of sixty years (or, in the case of a female officer, fifty-five years) shall be entitled, to retire from the Service of the Bank if the officer desires to do so, but any such officer may, subject to this Part, continue in the Service of the Bank until he attains the age of sixty-five years (or, in the case of a female officer, sixty years).

(2.) If any officer continues in the Service of the Bank after he has attained the age of sixty years (or, in the case of a female officer, fifty-five years), the officer may at any time before attaining the age of sixty-five years (or, in the case of a female officer, sixty years) be retired by the Bank from the Service of the Bank.

(3.) Every officer shall, on attaining the age of sixty-five years (or, in the case of a female officer, sixty years), be retired by the Bank from the Service of the Bank.

169.—(1.) If at any time the Bank finds that a greater number of officers is employed than is necessary for efficient working, any officer whom the Bank finds is in excess may be transferred to such other position of equal classification as the officer is competent to fill, and, if no such position is available, the officer may be transferred to a position of lower classification.

Excess officers.

(2.) If no position is available for the officer, the Bank may retire him from the Service of the Bank.

(3.) An officer shall not be retired from the Service of the Bank under this section unless he has been given one month's notice or is paid salary in lieu of notice.

170.—(1.) A married woman shall not be appointed to the Service of the Bank except in special cases.

Employment of married women

(2.) Every female officer shall cease to be an officer on her marriage unless the Bank is satisfied that there are special circumstances which make it desirable that she should continue in the Service of the Bank.

171. Unless the Bank, in any particular case, otherwise directs, the appointment of every officer shall be on probation for a period not exceeding twelve months and the appointment may be terminated by the Bank at any time during that period.

Appointments to be on probation.

Division 4.—Dismissals and Punishments.

172.—(1.) If an officer appears to the Bank to be inefficient or incompetent, or unfit to discharge or incapable of discharging the duties of his position, the Bank may retire him from the Service of the Bank, or may transfer him to some other position in the Service of the Bank with salary appropriate to that other position.

Retirement of inefficient, &c., officers

(2.) An officer shall not be retired from the Service of the Bank under this section unless he has been given at least one month's notice or is paid salary in lieu of notice.

173. The Bank may dismiss an officer, or reduce his status or rate of pay, for incapacity or misconduct.

Dismissal for misconduct.

174.—(1.) Where an officer is dismissed, retired, transferred or reduced in status or rate of pay under either of the last two preceding sections, the officer may appeal to the Disciplinary Appeal Board.

Appeals.

(2.) The regulations may prescribe the manner in which, and the time within which, appeals may be made under this section.

(3.) The Disciplinary Appeal Board shall hear each appeal submitted to it under this section and may confirm, vary or set aside the decision of the Bank.

(4.) The decision of the Disciplinary Appeal Board shall be final and the Bank shall take such action as is necessary to give effect to the decision.

(5.) On the hearing of any appeal under this section, the Disciplinary Appeal Board may take evidence on oath.

Disciplinary
Appeal Board

175.—(1.) For the purposes of this Division, there shall be a Board (in this Act referred to as “the Disciplinary Appeal Board”).

(2.) The Disciplinary Appeal Board shall consist of—

- (a) a Chairman, who shall be appointed by the Governor-General and shall hold office on such terms and conditions as the Governor-General determines ;
- (b) an officer appointed by the Governor ; and
- (c) an officer elected by the officers of the Bank in the prescribed manner, in this section referred to as the “officers’ representative”.

(3.) The Chairman of the Disciplinary Appeal Board shall be a person who is or has been a Police, Stipendiary or Special Magistrate of a State or Territory of the Commonwealth.

(4.) The officers’ representative shall hold office for such period as is prescribed but shall be eligible for re-election.

(5.) The officers of the Bank may, in the prescribed manner, elect a deputy of the officers’ representative and the deputy so elected shall hold office for such period as is prescribed but shall be eligible for re-election.

(6.) A deputy so elected may, in the event of there being a vacancy in the office of officers’ representative, or in the event of the absence of the officers’ representative (whether in pursuance of a direction under the next succeeding sub-section, or through illness or otherwise), attend and vote at meetings of the Disciplinary Appeal Board, and, when so attending and voting at a meeting, shall, for the purposes of sub-section (8.) of this section, be deemed to be a member of the Disciplinary Appeal Board in lieu of the officers’ representative.

(7.) Where the Chairman of the Disciplinary Appeal Board is of opinion that the officers’ representative is personally interested in, or affected by, any question to be considered at a meeting of the Disciplinary Appeal Board, the Chairman may direct that the officers’ representative shall absent himself from that meeting while that question is considered and decided.

(8.) Where, at any meeting of the Disciplinary Appeal Board, the members are divided in opinion on any question, that question shall be decided according to the decision of the majority.

Division 5.—General.

Superannuation
fund.

176.—(1.) The Governor may, with the approval of the Treasurer, make rules, not inconsistent with this Act or the regulations, providing for a superannuation fund of the Bank.

(2.) The superannuation fund of the Bank existing immediately prior to the commencement of this section shall form part of the superannuation fund provided for by the rules under this section.

Borrowing from
Bank by
officers.

177.—(1.) Subject to this section, an officer shall not borrow money from the Bank or from the Savings Bank.

(2.) An officer may borrow money from the Bank for the purchase, erection, alteration, renovation or enlargement of a home in which he resides or intends to reside, or to discharge any mortgage, charge or encumbrance on any such home.

(3.) The Bank may, where the Governor is satisfied that special circumstances exist, lend to an officer upon such terms and conditions as the Governor thinks fit, money not exceeding at any one time Two hundred and fifty pounds and an officer may borrow money from the Bank accordingly.

178.—(1.) The Bank shall, as soon as practicable after the thirtieth day of June in each year, prepare a list of all officers in the Service of the Bank on that date, together with particulars of the classification and salary of each officer, and shall circulate copies of the list among the officers of the Bank in the prescribed manner.

List of
officers.

(2.) The Bank shall forward a copy of the list to the Treasurer for presentation to the Parliament.

179. In this Part, unless the contrary intention appears, “ officer ” or “ officer of the Bank ” means an officer in the Service of the Bank.

Definition.

PART XIV.—MISCELLANEOUS.

180.—(1.) The Governor shall, once in each year, prepare a balance-sheet of the Bank, of the General Banking Division, of each department of the Bank, and of the Savings Bank, and shall submit them to the Auditor-General for report as to their correctness or otherwise, and shall transmit them, together with the reports of the Auditor-General, to the Treasurer.

Balance-sheets.

(2.) The Governor shall also transmit true copies of the balance-sheets and reports to the President of the Senate and to the Speaker of the House of Representatives to be laid before the Senate and the House of Representatives respectively.

(3.) Balance-sheets under this section shall be prepared in accordance with the prescribed forms.

181. The Bank and the Savings Bank shall furnish to the Treasurer such periodical statements as are prescribed.

Returns.

182.—(1.) The affairs of the Bank and of the Savings Bank shall be subject to inspection and audit by the Auditor-General.

Audit

(2.) The inspection and audit shall be conducted not less often than yearly and the Auditor-General shall report to the Treasurer the result of each inspection and audit.

183. The property, income and operations of the Bank and of the Savings Bank shall not be liable, and shall be deemed never to have been liable, to income tax or land tax under any law of the Commonwealth, or to taxation under any law of a State to which the Commonwealth is not subject.

Bank not
subject to
taxation.

184. Where the Bank or the Savings Bank holds any property (whether real or personal) or business as security for any loan or advance, and the property or business falls into the hands of the

Power to
improve
property and
carry on
business.

Bank or Savings Bank, the Bank or Savings Bank may maintain, repair or improve the property, or carry on the business, until the Bank or the Savings Bank can, in its discretion, dispose of the property or business in the best interests of the Bank or Savings Bank.

Execution of
contracts

185.—(1.) Contracts on behalf of the Bank or of the Savings Bank may be made, varied or discharged in accordance with the succeeding provisions of this section and all contracts so made shall be effectual in law, and shall be binding upon the Bank or the Savings Bank and on all other parties to the contract, their heirs, executors or administrators, as the case may be.

(2.) Any contract which, if made between private persons, would be by law required to be in writing under seal, may be made, varied or discharged, in the name and on behalf of the Bank or Savings Bank, in writing under the common seal of the Bank or Savings Bank.

(3.) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied or discharged, in the name and on behalf of the Bank or Savings Bank, in writing signed by any person acting under the express or implied authority of the Bank or Savings Bank.

(4.) Any contract which, if made between private persons, would by law be valid, although made by parol only and not reduced into writing, may be made, varied or discharged by parol, in the name and on behalf of the Bank or Savings Bank, by any person acting under the express or implied authority of the Bank or Savings Bank.

(5.) Nothing in this section shall invalidate any contract executed on behalf of the Bank or Savings Bank by any duly appointed attorney of the Bank or the Savings Bank, if the contract would be valid if executed by the attorney on his own behalf.

Seals.

186. The common seal of the Bank and of the Savings Bank shall be kept in such custody as the Governor determines and shall not be affixed to any document without the authority of the Governor or Deputy Governor.

Priority of
debts due by
other banks

187. Notwithstanding anything contained in any law relating to the winding-up of companies, debts due to the Bank or to the Savings Bank by any bank specified in the First Schedule to the *Banking Act* 1945 shall, in the winding-up, have priority over all other debts other than debts due to the Commonwealth.

Delivery of
bonds, &c., not
exceeding £200
on death of
customer

188.—(1.) Where a person dies and any bonds or securities of a like nature of a face value not exceeding in the whole Two hundred pounds are held on his behalf by the Bank or by the Savings Bank, and probate of his will or letters of administration of his estate are not produced to the Bank or to the Savings Bank, or notice in writing of the existence of a will and of intention to prove it or to take out

letters of administration is not given to the Bank or to the Savings Bank within one month after the death of that person, the Bank or the Savings Bank may, in its discretion, deliver the bonds or securities to the widower or widow or some relation of that person or to such other person as the Bank or the Savings Bank in the circumstances thinks fit.

(2.) A person shall not have any claim against the Bank or the Savings Bank in respect of anything done in pursuance of this section but nothing in this section shall relieve the person receiving the bonds or securities from any liability to account for or deal with the bonds or securities in accordance with law.

189. A trustee, executor or administrator may invest any trust moneys in his hands on deposit with the Bank or the Savings Bank. Investment of trust moneys.

190. Where the Governor, the Deputy Governor, the General Manager of the Industrial Finance Department, the Chairman of the Promotions Appeal Board or an officer of the Bank was, immediately prior to his appointment under this Act, an officer of the Public Service of the Commonwealth, his service under this Act shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and the *Officers' Rights Declaration Act* 1928-1940 shall apply as if this Act and section had been specified in the Schedule to that Act. Preservation of rights

191. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act or for the conduct of business by the Commonwealth Bank or the Commonwealth Savings Bank, and in particular for prescribing penalties not exceeding Fifty pounds for any offence against the regulations Regulations

THE SCHEDULES.

FIRST SCHEDULE.

ACTS REPEALED.

Bank Notes Tax Act 1910.
Commonwealth Bank Act 1911.
Commonwealth Bank Act 1914.
Commonwealth Bank Act 1920.
Commonwealth Bank Act 1924.
Commonwealth Bank (Rural Credits) Act 1925.
Commonwealth Bank (Savings Bank) Act 1927.
Commonwealth Bank Act 1929.
Commonwealth Bank Act 1931.
Commonwealth Bank Act 1932.
Commonwealth Bank Act 1943.
Commonwealth Housing Act 1927.
Commonwealth Housing Act 1928.

Section 4.

THE SCHEDULES—*continued.*

SECOND SCHEDULE.

PRIMARY PRODUCE.

Arrowroot.	Jam.
Bran.	Meal.
Broom Millet.	Meat and meat products.
Butter and butter products.	Metals, precious and otherwise.
Canary Seed.	Milk and milk products.
Cheese.	Peanuts.
Chicory.	Pollard.
Cotton.	Pulse.
Cotton seed and cotton seed by-products.	Sandalwood.
Eggs and egg products.	Spirits.
Fish, canned or preserved.	Sugar.
Flax.	Superphosphate and materials used in the production of superphosphate.
Flour.	Tallow.
Fodder.	Timber.
Fruit Pulp.	Tobacco.
Fruits, fresh, preserved or dried.	Vegetable seeds.
Ginger.	Vegetables, fresh, preserved or dried.
Grain.	Wine.
Hides and skins.	Wool.
Hops.	

BANKING.

No. 14 of 1945.

An Act to regulate Banking, to make provision for the Protection of the Currency and of the Public Credit of the Commonwealth, and for other purposes.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

- | | |
|---------------|---|
| Short title. | 1. This Act may be cited as the <i>Banking Act 1945</i> . |
| Commencement. | 2. Except as otherwise provided by this Act, this Act shall commence on a date to be fixed by Proclamation. |
| Parts. | 3. This Act is divided into Parts, as follows:— |
| | Part I.—Preliminary. |
| | Part II.—Provisions relating to the carrying on of Banking Business. |
| | Division 1.—Authority to carry on Banking Business. |
| | Division 2.—Protection of Depositors. |
| | Division 3.—Special Accounts. |
| | Division 4.—Mobilization of Foreign Currency. |
| | Division 5.—Advances and Investments. |

Part III.—Foreign Exchange.

Part IV.—Gold.

Part V.—Interest Rates.

Part VI.—Statistics.

Part VII.—Miscellaneous.

4.—(1.) In this Act, unless the contrary intention appears—

Definitions.

“advance” includes loan;

“Australia” includes the Territories of the Commonwealth;

“bank” means a body corporate authorized under Part II. of this Act to carry on banking business in Australia;

“the Commonwealth Bank” means the Commonwealth Bank of Australia.

(2.) In this Act, any reference to a Schedule shall be read as a reference to a Schedule to this Act, and any reference to a Form shall be read as a reference to a Form in the Second Schedule.

5.—(1.) Nothing in Part II. or V., or in sections forty-eight to fifty-six (inclusive) of this Act, shall apply with respect to State banking.

Application of Act.

(2.) The application of this Act shall extend to all the Territories of the Commonwealth.

PART II.—PROVISIONS RELATING TO THE CARRYING ON OF BANKING BUSINESS.

Division 1.—Authority to carry on Banking Business.

6. Subject to this Act, a person other than a body corporate shall not, at any time after the expiration of six months from the commencement of this Part, carry on any banking business in Australia.

Persons other than companies not to carry on banking business.

Penalty: One hundred pounds for each day during which the contravention continues.

7. Subject to this Act, a body corporate shall not, at any time after the expiration of six months from the commencement of this Part, carry on any banking business in Australia unless the body corporate is in possession of an authority in writing granted by the Governor-General under this Part to carry on banking business.

Banking business not to be carried on without authority.

Penalty: Five thousand pounds for each day during which the contravention continues.

8.—(1.) The Governor-General shall, within seven days after the commencement of this Part, grant to each body corporate specified in the First Schedule an authority to carry on banking business in Australia.

Authority to carry on banking business.

(2.) A body corporate (not being a body corporate specified in the First Schedule) which desires authority under this Part to carry on banking business in Australia may apply in writing to the Treasurer for authority accordingly.

(3.) Where any such application is made, the Governor-General may grant to that body corporate an authority to carry on banking business in Australia.

(4.) An authority under this section granted to a body corporate specified in the First Schedule which was not carrying on banking business in Australia on the twenty-sixth day of November, One thousand nine hundred and forty-one, or to a body corporate not so specified, may be granted unconditionally or subject to such conditions as are specified in the authority.

(5.) Where an authority under this section is granted subject to conditions, the Governor-General may, from time to time, vary or revoke any of those conditions or impose additional conditions.

(6.) Where an authority under this section is subject to conditions, the body corporate to which the authority is granted shall comply with those conditions.

Penalty: One thousand pounds for each day during which the contravention continues.

(7.) Every authority under this section, and every instrument made under sub-section (5.) of this section, shall be published in the *Gazette*.

(8.) An authority under this section granted to a body corporate not specified in the First Schedule shall declare that the body corporate shall be deemed to be a bank specified in Part I., or, if the body corporate is a savings bank, in Part II., of that Schedule and that Schedule shall thereupon be deemed to be amended by the addition to that Part of the name of that body corporate.

(9.) Where the Governor-General is satisfied that any body corporate in possession of an authority under this section has ceased to carry on banking business in Australia, the Governor-General may revoke the authority and notice of the revocation shall be published in the *Gazette*.

(10.) Where an authority under this section is so revoked, the First Schedule shall thereupon be deemed to be amended by the omission of the name of the body corporate concerned.

Treasurer to
be supplied
with certain
documents

9.—(1.) An application under this Part by a body corporate, not being a body corporate specified in the First Schedule, shall be accompanied by a copy of the Act, charter, deed of settlement, memorandum of association and articles of association of the body corporate, or other document by which the body corporate is constituted.

(2.) Each body corporate specified in the First Schedule shall, within six months after the commencement of this Part, furnish to the Treasurer a copy of the Act, charter, deed of settlement, memorandum of association and articles of association of the body corporate, or other document by which the body corporate is constituted.

(3.) Every copy of an Act, charter, deed of settlement, memorandum of association, articles of association or other document furnished to the Treasurer under either of the last two preceding sub-sections shall be verified by a statutory declaration made by a senior officer of the body corporate concerned.

(4.) A bank shall, within three months after the making of any alteration in any document referred to in sub-section (1.) or (2.) of this section, furnish to the Treasurer particulars in writing (verified by a statutory declaration made by a senior officer of the bank concerned) of the alteration.

Penalty, for any offence against this section One hundred pounds.

10.—(1.) Where any person desires to carry on any banking business in Australia but does not desire to carry on the general business of banking, the Treasurer may, by order published in the *Gazette*, exempt that person from compliance with such of the provisions of this Act as are specified in the order and, so long as the order continues in force, that person shall be exempt from compliance with the provisions so specified. Exemption.

(2.) An order under this section—

- (a) may be expressed to apply to a particular person or to the persons included in a class of persons ;
- (b) may specify the period during which the order shall remain in force ; and
- (c) may be made subject to such conditions as are specified in the order.

(3.) Where any such order is made subject to conditions, any person to whom the order applies shall comply with those conditions.

Penalty: One thousand pounds for each day during which the contravention continues.

Division 2.—Protection of Depositors.

11. It shall be the duty of the Commonwealth Bank to exercise its powers and functions under this Division for the protection of the depositors of the several banks. Commonwealth Bank to protect depositors.

12.—(1.) The Commonwealth Bank may, by notice in writing, require any bank to supply it, within the time specified in the notice, with such information relating to the financial stability of that bank as is specified in the notice. Supply of information.

(2.) The information supplied in compliance with a requirement under the last preceding sub-section shall be verified by a statutory declaration made by a senior officer of the bank concerned.

(3.) If a bank fails to comply with any requirement under sub-section (1.) of this section, the Commonwealth Bank may appoint an officer of the Commonwealth Bank to investigate the affairs of that bank.

13.—(1.) A bank which considers that it is likely to become unable to meet its obligations, or is about to suspend payment, shall forthwith inform the Commonwealth Bank. Banks unable to meet obligations.

(2.) Where a bank—

(a) so informs the Commonwealth Bank ;

(b) becomes unable to meet its obligations or suspends payment ;
or

(c) in the opinion of the Commonwealth Bank, is likely to become unable to meet its obligations or is about to suspend payment,

the Commonwealth Bank may—

(d) appoint an officer of the Commonwealth Bank to investigate the affairs of the bank concerned ; and

(e) assume control of and carry on the business of that bank.

(3.) Where the Commonwealth Bank has, in pursuance of the last preceding section, or in pursuance of the last preceding sub-section, appointed an officer to investigate the affairs of a bank, that bank shall afford the officer access to its books, accounts and documents and shall give to the officer such information and facilities as he requires to conduct the investigation.

Penalty : One thousand pounds for each day, during which the contravention continues.

(4.) Where the Commonwealth Bank has, in pursuance of sub-section (2.) of this section, assumed control of the business of a bank, that bank shall submit its business to the control of the Commonwealth Bank and shall provide the Commonwealth Bank with such facilities as the Commonwealth Bank requires to carry on the business of that bank.

Penalty : One thousand pounds for each day during which the contravention continues.

(5.) Where the Commonwealth Bank has, in pursuance of sub-section (2.) of this section, assumed control of the business of a bank, the Commonwealth Bank shall, subject to the next succeeding sub-section, remain in control of and continue to carry on, the business of that bank until such time as—

(a) the deposits with the bank have been repaid or the Commonwealth Bank is satisfied that suitable provision has been made for their repayment ; and

(b) in the opinion of the Commonwealth Bank, it is no longer necessary for the Commonwealth Bank to remain in control of the business of the bank.

(6.) Upon the application of a bank of whose business the Commonwealth Bank has assumed control in pursuance of sub-section (2.) of this section, a Full Court of the High Court constituted by not less than three Justices may, if it is satisfied that it is no longer necessary, for the protection of the depositors of that bank, that the Commonwealth Bank should remain in control of the business of that bank, order that the Commonwealth Bank shall cease to control the business of that bank, as from a date specified in the order.

(7.) Where the Commonwealth Bank, in pursuance of this section, assumes control of the business of a bank, or ceases to control the business of a bank, the Commonwealth Bank shall notify that fact in the *Gazette*.

14. The Commonwealth Bank, the Governor and Deputy Governor of the Commonwealth Bank, and any officer of the Commonwealth Bank, shall not be subject to any action, claim, or demand by, or any liability to, any person in respect of anything done or omitted to be done in good faith and without negligence in the exercise, or in connexion with the exercise, of the powers conferred on the Commonwealth Bank under this Division. Indemnity

15.—(1.) Except with the authority of the Commonwealth Bank, a bank shall hold assets (other than goodwill) in Australia of a value not less than the total amount of its deposit liabilities in Australia. Assets to be held by banks.

Penalty: One thousand pounds for each day during which the contravention continues.

(2.) In the event of a bank becoming unable to meet its obligations or suspending payment, the assets of the bank in Australia shall be available to meet that bank's deposit liabilities in Australia in priority to all other liabilities of the bank.

Division 3.—Special Accounts.

16. This Division shall commence on a date to be specified by the Treasurer by notice in the *Gazette*. Commencement.

17. This Division shall not apply to a bank specified in Part II. of the First Schedule. Application of Division.

18.—(1.) On the day on which this Division commences, each bank shall establish with the Commonwealth Bank a Special Account for the purposes of this Division. Establishment of Special Accounts.

(2.) On the day on which any bank (not being a bank carrying on business at the date of commencement of this Division) commences to carry on banking business in Australia, that bank shall establish with the Commonwealth Bank a Special Account for the purposes of this Division.

19. On the day on which this Division commences, there shall, by force of this section, be transferred to the Special Account of each bank established by it under this Division the amount then standing to the credit of that bank's Special Account under the National Security (War-time Banking Control) Regulations. Transfer of certain moneys to Special Accounts.

20.—(1.) Each bank shall, not later than the twenty-eighth day in each month, lodge in the Special Account established by it under this Division such amount (if any) as the Commonwealth Bank, by notice in writing, directs. Lodgments in Special Accounts.

(2.) The amount which any bank is so directed to lodge shall not be such that the amount to the credit of that bank's Special Account, after making the lodgment, exceeds the sum of—

(a) the amount (if any) transferred to that bank's Special Account under the last preceding section; and

(b) the increase (if any) in that bank's assets since the commencement of this Division.

(3.) For the purposes of the last preceding sub-section, the increase in any bank's assets since the commencement of this Division means the amount by which the average of its total assets in Australia as at the close of business on each Monday (or such other day as is prescribed) in the month preceding the month in which the lodgment is to be made exceeds the average of its total assets (if any) in Australia as at the close of business on each Monday in the last month before the commencement of this Division.

(4.) If any bank fails to comply with the provisions of sub-section (1.) of this section, it shall be guilty of an offence, and shall, on conviction, be liable, for each day during which the failure continues, to a fixed penalty at the rate of Eight pounds per centum per annum of the amount which it has failed to lodge as required by sub-section (1.) of this section.

(5.) In this section, "month" means the period commencing on the first day of any month and ending on the last day of that month.

Withdrawals
from Special
Accounts

21.—(1.) Except with the consent of the Commonwealth Bank, a bank shall not be entitled to withdraw any sum from the Special Account established by it under this Division.

(2.) The grant of consent by the Commonwealth Bank under the last preceding sub-section shall be in the discretion of the Commonwealth Bank, which may withhold consent or grant consent either unconditionally or subject to such conditions as the Commonwealth Bank determines.

(3.) Where any consent under sub-section (1.) of this section is granted subject to conditions, the bank to which the consent is granted shall comply with those conditions.

Penalty: One thousand pounds for each day during which the contravention continues.

Interest to be
paid on
Special
Accounts

22. The Commonwealth Bank shall pay interest, at half-yearly intervals, to each bank on the daily balance of that bank's Special Account at a rate, not exceeding Seventeen shillings and sixpence per centum per annum, determined from time to time by the Commonwealth Bank with the approval of the Treasurer.

Division 4.—Mobilization of Foreign Currency.

Transfer of
foreign currency
to Common-
wealth Bank

23.—(1.) The Commonwealth Bank may, from time to time, by notice in writing, require each bank to transfer to the Commonwealth Bank an amount of sterling equivalent to such proportion as is specified in the notice of that bank's excess receipts of foreign currency as at the close of business on a date specified in the notice, not being more than twenty-one days before the date on which the notice is given.

(2.) The proportion specified in any notice under the last preceding sub-section shall be the same in respect of each bank.

(3.) Where, as at the close of business on a date specified in a notice under sub-section (1.) of this section, a bank has not transferred

an amount of sterling which it has been required to transfer in pursuance of any previous notice under that sub-section, the excess receipts of foreign currency to which that amount of sterling is equivalent shall not, for the purpose of calculating the amount of sterling required to be transferred in pursuance of the first-mentioned notice, be taken into account as part of the excess receipts of foreign currency of that bank.

(4.) Each bank shall comply with the requirements of any notice under sub-section (1.) of this section within seven days after the receipt of the notice by the bank or within such further period as is specified by the Commonwealth Bank.

Penalty: One thousand pounds for each day during which the contravention continues.

(5.) A bank shall be deemed to have complied with the requirements of any notice under sub-section (1.) of this section if it transfers to the Commonwealth Bank an amount of sterling equivalent to the specified proportion of that bank's excess receipts of foreign currency, as shown in that bank's books of account, as at the close of business on the date in question.

(6.) Where any bank's assets outside Australia attributable to, or acquired by virtue of, its Australian business include foreign currency which is not freely convertible into sterling, the Commonwealth Bank shall make such adjustment in the amount of sterling required to be transferred by that bank to the Commonwealth Bank under this section as appears to the Commonwealth Bank to be necessary in the circumstances.

24. The Commonwealth Bank shall pay to any bank transferring any sterling in compliance with a notice under the last preceding section, such amount in Australian currency as is agreed upon between the Commonwealth Bank and the bank transferring the sterling or, in default of agreement, as is determined in an action for compensation by that bank against the Commonwealth Bank.

Payment for
transferred
foreign
currency

25. The Commonwealth Bank may sell foreign currency to a bank—

Sale of foreign
currency by
Commonwealth
Bank

- (a) where the Commonwealth Bank is satisfied that that bank has complied with the provisions of this Division and is likely to suffer a shortage of foreign currency: or
- (b) if the Commonwealth Bank considers that, for any other reason, it is desirable to do so.

26. In this Division—

Interpretation.

“excess receipts of foreign currency”, in relation to any bank as at any date, means the amount by which the amount of that bank's surplus foreign currency as at that date exceeds the amount of its surplus foreign currency as at the date of commencement of this Division;

“sterling” means currency which is legal tender in the United Kingdom;

“surplus foreign currency”, in relation to any bank, means the amount by which the amount of that bank’s assets outside Australia attributable to, or acquired by virtue of, its Australian business exceeds the amount of its liabilities outside Australia attributable to, or incurred by virtue of, its Australian business.

Division 5.—Advances and Investments.

Advances.

27.—(1.) Where the Commonwealth Bank is satisfied that it is necessary or expedient to do so in the public interest, the Commonwealth Bank may determine the policy in relation to advances to be followed by banks and each bank shall follow the policy so determined.

Penalty: One thousand pounds.

(2.) Without limiting the generality of the last preceding subsection, the Commonwealth Bank may give directions as to the classes of purposes for which advances may or may not be made by banks and each bank shall comply with any directions so given.

Penalty: One thousand pounds.

(3.) Nothing in this section shall—

- (a) authorize the Commonwealth Bank to make any determination or give any direction with respect to an advance made, or proposed to be made, to any particular person; or
- (b) affect the validity of any transaction entered into in relation to an advance or affect the right of a bank to recover any advance or enforce any security given in respect of an advance.

Limitation on purchase of securities

28. A bank specified in Part I. of the First Schedule shall not, except with the consent in writing of the Commonwealth Bank, purchase or subscribe to—

- (a) securities of the Commonwealth or of a State, or of any authority of the Commonwealth or of a State;
- (b) securities of any local governing body in Australia; or
- (c) securities listed on a Stock Exchange in Australia.

Penalty: One thousand pounds.

PART III.—FOREIGN EXCHANGE.

Exchange control.

29.—(1.) Where the Governor-General is satisfied that it is expedient so to do, for the protection of the currency or of the public credit of the Commonwealth, or in order to conserve, in the national interest, the foreign exchange resources of the Commonwealth, he may make regulations, not inconsistent with this Act, making provision for and in relation to the control of foreign exchange and, in particular, but without limiting the generality of the foregoing, for or in relation to—

- (a) the buying, borrowing, selling, lending or exchanging of foreign currency, including the fixing of rates of exchange;
- (b) any dealing or transaction having the effect of a purchase, borrowing, sale, loan or exchange of foreign currency;

- (c) the taking or sending out of Australia of gold, Australian currency or foreign currency ;
- (d) requiring any person who has power to sell, or to procure the sale of, any foreign currency to sell, or procure the sale of, that foreign currency as prescribed ;
- (e) the taking, sending or transfer of any securities to a place outside Australia, including the transfer of securities from a register in Australia to a register outside Australia ;
- (f) the prohibition of the importation or exportation of goods unless a licence under the regulations to import or export the goods is in force ;
- (g) the terms and conditions to which such licences may be subject ; and
- (h) prescribing penalties not exceeding a fine of Five thousand pounds or imprisonment for a period not exceeding five years for any offence against the regulations made under this section.

(2.) In this section—

“ Australian currency ” includes notes, coins, postal notes, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques, payable or expressed in Australian money, and also includes rights, and instruments of title, to Australian money ;

“ foreign currency ” includes notes, coins, postal notes, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques, payable or expressed otherwise than in Australian money, and also includes rights, and instruments of title, to money other than Australian money ;

“ securities ” includes shares, stock, bonds, debentures, debenture stock, Treasury Bills, and units or sub-units of a unit trust, and also includes deposit receipts in respect of the deposit of securities and documents of title to securities.

PART IV.—GOLD.

30.—(1.) This Part shall not be in operation except as provided in this section. Operation of Part.

(2.) Where the Governor-General is satisfied that it is expedient so to do, for the protection of the currency or of the public credit of the Commonwealth, he may, by Proclamation, declare that this Part, or such of the provisions of this Part as are specified in the Proclamation, shall come into operation, and this Part, or the provisions so specified, shall thereupon come into operation.

(3.) Where the Governor-General is satisfied that it is no longer expedient, for the protection of the currency or of the public credit of the Commonwealth, that this Part, or any of the provisions of this Part, should remain in operation, the Governor-General may, by Proclamation, declare that this Part, or such of the provisions of this

Part as are specified in the Proclamation, shall cease to be in operation, and thereupon this Part, or the provisions so specified, shall cease to be in operation.

Transfer of
gold out
of Australia

31. A person shall not, except with the consent in writing of the Commonwealth Bank, take or send any gold out of Australia.

Penalty: One thousand pounds or imprisonment for five years.

Delivery of
gold

32.—(1.) Subject to this Part, every person who has any gold in his possession or under his control, not being—

(a) gold coins the total value of the gold content of which does not exceed the prescribed amount; or

(b) gold lawfully in the possession of that person for the purpose of being worked or used in manufacture for professional or trade purposes,

shall deliver the gold to the Commonwealth Bank, or as prescribed, within one month after the gold comes into his possession or under his control.

Penalty: One thousand pounds or imprisonment for five years.

(2.) In addition to any other punishment, a court may, if it thinks fit, order the forfeiture of any gold in respect of which an offence against this section has been committed.

Vesting of
gold delivered

33. All gold delivered in pursuance of the last preceding section shall thereupon vest in the Commonwealth Bank absolutely, free from any mortgage, charge, lien, trust, or other interest in or affecting the gold, and the Commonwealth Bank shall pay for the gold, to the person delivering the gold, on behalf of all persons having any interest in the gold, an amount determined in accordance with the next succeeding section and the Commonwealth Bank shall not be under any liability to any other person claiming any interest in the gold.

Payment for
gold

34. The amount to be paid for any gold delivered in pursuance of section thirty-two of this Act shall be an amount determined in accordance with such price as is fixed and published by the Commonwealth Bank or, at the option of the person delivering the gold, such amount as is determined in an action for compensation against the Commonwealth Bank.

Limitation of
sale and
purchase of
gold

35.—(1.) Subject to this Part—

(a) a person shall not sell or otherwise dispose of gold to any person other than the Commonwealth Bank or a person authorized in writing by the Commonwealth Bank to purchase gold; and

(b) a person, other than the Commonwealth Bank or a person so authorized, shall not buy gold from any person.

(2.) A person may buy gold from the Commonwealth Bank or from a person authorized in writing by the Commonwealth Bank to sell gold, and the Commonwealth Bank or a person so authorized may sell gold to any person, for the purpose of its being worked or used in manufacture by the purchaser for professional or trade purposes.

(3.) A person authorized by the Commonwealth Bank under this section shall comply with such directions relating to gold as are given to him by the Commonwealth Bank.

Penalty, for any offence against this section : Five hundred pounds or imprisonment for two years.

36. A person shall not work or use in manufacture any gold, not being gold lawfully in his possession for the purpose of being worked or used in manufacture for professional or trade purposes. Limitation on working of gold.

Penalty : Five hundred pounds or imprisonment for two years.

37.—(1.) This Part shall not apply to wrought gold, not being wrought gold worked or manufactured in contravention of this Part. Application of Part

(2.) In this section, "wrought gold" means gold and gold alloys which on view have apparently been worked or manufactured for professional or trade purposes and includes the waste products arising from the working or manufacturing of gold and gold alloys for professional or trade purposes.

38. The Commonwealth Bank may, by instrument in writing, and either wholly or to the extent specified in the instrument, exempt any person from the application of the whole or any of the provisions of this Part and, so long as the exemption continues, that person shall be exempt accordingly. Exemptions

PART V.—INTEREST RATES.

39.—(1.) The Commonwealth Bank may, with the approval of the Treasurer, make regulations— Control of interest rates.

- (a) making provision for and in relation to the control of rates of interest payable to or by banks, or to or by other persons in the course of any banking business carried on by them ;
- (b) making provision for and in relation to the control of rates of discount chargeable by banks, or by other persons in the course of any banking business carried on by them ; and
- (c) providing that interest shall not be payable in respect of—
 - (i) any amount deposited with a bank, or with any other person in the course of any banking business carried on by him, and repayable on demand or after the expiration of a period specified in the regulations ; or
 - (ii) so much of the amount to the credit of a deposit account in a savings bank as exceeds an amount specified in the regulations.

(2.) Any person who contravenes or fails to comply with any regulation under this section shall be guilty of an offence punishable—

- (a) if the offence is prosecuted summarily—by a fine not exceeding One hundred pounds or imprisonment for a term not exceeding six months ; or
- (b) if the offence is prosecuted upon indictment—by a fine not exceeding Five thousand pounds or imprisonment for a term not exceeding five years.

PART VI.—STATISTICS.

Balance-sheets
and statements
to be furnished
by banks.

40. Each bank specified in Part I. of the First Schedule shall prepare—

- (a) a balance-sheet, in accordance with Form A, as at the close of business on a date in each year prescribed in respect of that bank ;
- (b) a statement of its profit and loss, in accordance with Form B, in respect of each year ending on that date ;
- (c) a statement of its income and expenditure in respect of its Australian business, in accordance with Form C, in respect of each year ending on that date ;
- (d) a statement of liabilities and assets within Australia in accordance with Form D ;
- (e) a statement of debits to customers' accounts in accordance with Form E ;
- (f) a statement of its foreign currency position in accordance with Form F ;
- (g) a statement of loans, advances and bills discounted, classified according to—
 - (i) the purpose of the loan, advance or discounting ;
 - (ii) the rate of interest or discount chargeable ; and
 - (iii) the industry of the borrower or person for whom the bill is discounted,
 in accordance with the prescribed form ;
- (h) a statement of deposits, classified according to—
 - (i) the term of the deposit ;
 - (ii) the rate of interest payable ;
 - (iii) the industry of the depositor,
 in accordance with the prescribed form ; and
- (i) such additional statements as are prescribed.

Directions
with respect
to Forms.

41. Each balance-sheet and statement referred to in the last preceding section shall be prepared in accordance with the directions specified in the balance-sheet or statement, and in accordance with such instructions (not inconsistent with those directions) as are given by the Commonwealth Bank, and copies of the balance-sheet or statement shall be delivered to the Commonwealth Statistician or to the Commonwealth Bank, or to both, in accordance with the directions specified in the balance-sheet or statement.

Variation
of Forms.

42. The regulations may provide for the variation of any Form in the Second Schedule, including directions specified therein, but so that no change shall be made in the essential nature of the Form.

Verification
of balance-
sheets and
statements.

43. Every balance-sheet and statement prepared under this Part shall be verified by a statutory declaration made by a senior officer of the bank concerned.

Certain
statements
to be published
in *Gazette*.

44.—(1.) From the balance-sheets in accordance with Form A and the statements of profit and loss in accordance with Form B delivered to the Commonwealth Statistician, the Commonwealth Statistician

shall prepare, and shall publish in the *Gazette*, a statement showing, in respect of each bank, the liabilities, assets and profit and loss of that bank.

(2.) From the statements of liabilities and assets within Australia in accordance with Form D delivered to the Commonwealth Statistician, the Commonwealth Statistician shall prepare, and shall publish in the *Gazette*, a statement, in respect of each bank, of the average of that bank's liabilities and assets within Australia for each month.

45. From the information contained in the balance-sheets and statements delivered to him in pursuance of this Part, the Commonwealth Statistician shall prepare and publish such other statements as the Treasurer directs, but no such statement shall be in such a form as to disclose the information supplied by any individual bank, except in so far as that information is contained in any balance-sheet or statement referred to in the last preceding section.

Publication
of other
statements

46. A bank shall not contravene or fail to comply with any of the provisions of this Part which are applicable to it.

Penalty.

Penalty: Five hundred pounds.

47. The Treasurer may, by instrument in writing, exempt any bank from the obligation to prepare and deliver any balance-sheet or statement in accordance with a Form in the Second Schedule which is specified in the instrument and, so long as the exemption continues, that bank shall be exempt accordingly.

Exemptions.

PART VII.—MISCELLANEOUS.

48.—(1.) Except with the consent in writing of the Treasurer, a bank shall not conduct any banking business for a State or for any authority of a State, including a local governing authority.

Banks not to
conduct certain
business.

Penalty: One thousand pounds.

(2.) Any consent of the Treasurer under this section may apply to all such business conducted by any particular bank or at a particular office of a bank, or to the business of any particular State or authority conducted by any particular bank or at a particular office of a bank.

(3.) Until a date fixed by the Treasurer by notice published in the *Gazette*, this section shall apply only in relation to banking business conducted for a State or for an authority of a State, including a local governing authority, specified by the Treasurer by notice in writing, and, if an office of a bank is specified in the notice, at the office so specified.

49.—(1.) The Auditor-General shall investigate periodically the books, accounts and transactions of each bank and shall furnish to the Treasurer and to the Commonwealth Bank such reports upon the affairs of each bank as the Treasurer directs.

Reports by
Auditor-
General.

(2.) The Treasurer may at any time direct the Auditor-General to make an investigation of the books, accounts and transactions of a bank specified by the Treasurer and to furnish to the Treasurer and to the Commonwealth Bank such reports upon the affairs of that bank as the Treasurer directs and the Auditor-General shall make an investigation and furnish reports accordingly.

(3.) Nothing in this section shall authorize the Auditor-General to furnish a report with respect to the affairs of any individual customer of a bank.

(4.) For the purpose of any investigation under this section, a bank shall afford the Auditor-General access to its books, accounts and documents and shall give to the Auditor-General such information and facilities as he requires to conduct the investigation.

Penalty : One thousand pounds for each day during which the contravention continues.

Supply of
information.

50.—(1.) Every bank shall furnish to the Commonwealth Bank such information in respect of its business as the Commonwealth Bank directs, and every person who carries on any banking business in Australia shall furnish to the Commonwealth Bank such information in connexion with his banking business as the Commonwealth Bank directs.

Penalty : One thousand pounds.

(2.) A direction under this section shall not require information to be furnished with respect to the affairs of any individual customer.

Amalgamation,
&c., requires
consent of
Treasurer.

51.—(1.) Except with the prior consent in writing of the Treasurer, after the receipt by him of a recommendation of the Commonwealth Bank, a bank shall not—

(a) enter into any arrangement or agreement for any sale or disposal of its business by amalgamation or otherwise, or for the carrying on of business in partnership with any other bank ; or

(b) effect any reconstruction of the bank.

Penalty : One thousand pounds.

(2.) Any such arrangement, agreement or reconstruction, and any such sale or disposal in pursuance of any such arrangement or agreement, entered into without the prior consent of the Treasurer shall be void and of no effect.

Settlement of
balances
between banks

52. Each bank specified in Part I. of the First Schedule shall settle, by means of cheques drawn on and paid into the Commonwealth Bank, the balances arising, between itself and any other bank so specified, out of any customary general clearance effected in any capital city in Australia.

Penalty : One hundred pounds.

Banks may be
directed to
comply with
Act.

53.—(1.) Where any bank is convicted of an offence against this Act or the regulations, a Full Court of the High Court constituted by not less than three Justices may, upon the application of the Attorney-General, by motion, direct compliance by the bank, within a period specified by the Court, with the provisions of this Act or the regulations with which the bank has failed to comply.

(2.) In default of compliance by the bank within the specified period with any direction given by the Court in pursuance of the last preceding sub-section, the Court may authorize the Commonwealth Bank to assume control of, and to carry on, the business of that bank.

(3.) The provisions of sections thirteen and fourteen of this Act shall, so far as applicable, have effect where the Commonwealth Bank has assumed control of the business of a bank in pursuance of the last preceding sub-section.

(4.) Where the Commonwealth Bank has assumed control of the business of a bank in pursuance of sub-section (2.) of this section, the Commonwealth Bank shall remain in control of, and shall continue to carry on, the business of that bank until such time as the High Court is satisfied that it is no longer necessary for the Commonwealth Bank to remain in control of the business of that bank and authorizes the Commonwealth Bank to cease to control the business of that bank.

54.—(1.) A person or body of persons, not being a bank, shall not assume or use, in relation to the business, or any part of the business, carried on by that person or body, the word “bank”. “banker” or “banking” or any word of a like import.

Restriction of
use of word
“bank”, &c.

Penalty: One hundred pounds for each day during which the contravention continues.

(2.) Nothing in this section shall be deemed to prohibit the use, by any person or body of persons, of any word in use by that person or body immediately prior to the commencement of this Part—

(a) for a period of six months after the commencement of this Part; or

(b) where the Treasurer, in writing, authorizes the continued use of the word.

55.—(1.) A person or body of persons (not being a bank specified in Part II. of the First Schedule) shall not assume or use, in relation to the business, or any part of the business, carried on by that person or body, the words “savings bank” or any words of a like import.

Restriction of
use of words
“savings
bank”

Penalty: One hundred pounds for each day during which the contravention continues.

(2.) Nothing in this section shall be deemed to prohibit the use, by any person or body of persons, of any words in use by that person or body immediately prior to the commencement of this Part—

(a) for a period of six months after the commencement of this Part; or

(b) where the Treasurer, in writing, authorizes the continued use of the words.

56.—(1.) Every bank specified in Part I. of the First Schedule, and the Commonwealth Bank, shall, within three months after the thirty-first day of December in each year, deliver to the Treasurer a statement of all unclaimed moneys.

Unclaimed
moneys.

(2.) The statement shall set forth the name of each shareholder, depositor or creditor, his last-known address, the amount due, the office or branch of the bank at which the last transaction took place, and the date thereof, and, if the shareholder, depositor or creditor is known to the bank to be dead, the statement shall show the names and addresses of his legal representatives so far as known to the bank.

(3.) The total amount shown in the statement shall be—

- (a) paid by the bank to the Treasurer at the time of the delivery of the statement;
- (b) credited by the Treasurer to the Trust Fund established by the *Audit Act* 1901–1934;
- (c) available during six years after payment to the Treasurer for payment to the persons whom the bank was liable to pay or to the respective administrators, executors or assigns of those persons; and
- (d) paid thereafter to the Consolidated Revenue Fund.

(4.) After the payment to the Consolidated Revenue Fund of any unclaimed moneys, the Treasurer may pay to any person to whom any amount of such moneys was due by the bank the amount so due.

(5.) Upon payment to the Treasurer of any amount as required by this section, the bank shall be held to be discharged from further liability for the amount so paid.

(6.) The Consolidated Revenue Fund is hereby appropriated for the purposes of, and to the extent necessary to give effect to, subsection (4.) of this section.

(7.) Particulars of every sum not less than Ten pounds included in the statement mentioned in this section shall be published by the Treasurer in the *Gazette*.

(8.) A bank shall not contravene or fail to comply with any provision of this section which is applicable to it.

Penalty : One hundred pounds.

(9.) For the purposes of this section, “unclaimed moneys” means all principal, interest, dividends, bonuses, profits and sums of money whatsoever which are legally payable by a bank but in respect of which the time within which proceedings may be taken for the recovery thereof has expired, and includes moneys to the credit of an account which has not been operated on, either by deposit or withdrawal, for a period of not less than seven years.

Penalties on
executive
officers.

57. Where any offence against this Act or the regulations has been committed by any body corporate, the chief executive officer in Australia of the body corporate shall be liable to the penalty provided in respect of that offence, but nothing in this section shall affect the liability of the body corporate.

Treasurer to
consent to
proceedings for
offences.

58. Proceedings for an offence against this Act or the regulations shall not be instituted without the consent in writing of the Treasurer.

59. The production of any certificate purporting to have been given by the Governor or Deputy Governor of the Commonwealth Bank certifying to any matter relating to the failure of any person to comply with any of the provisions of this Act or the regulations shall in all courts be *prima facie* evidence that those matters are as so certified.

Certificate as to certain facts.

60. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act and in particular for prescribing penalties not exceeding One hundred pounds for any offence against the regulations.

Regulations.

THE SCHEDULES.

FIRST SCHEDULE

Section 8.

PART I.

The Ballarat Banking Company Limited.
The Bank of Adelaide.
The Bank of Australasia.
Bank of China.
Bank of New South Wales.
Bank of New Zealand.
The Brisbane Permanent Building and Banking Company Limited.
The Commercial Bank of Australia Limited.
The Commercial Banking Company of Sydney Limited.
Comptoir National d'Escompte de Paris.
The English, Scottish and Australian Bank, Limited.
The National Bank of Australasia Limited.
The Queensland National Bank Limited.
The Union Bank of Australia Limited.

PART II.

The Hobart Savings Bank.
Launceston Bank for Savings.

THE SCHEDULES—*continued.*

SECOND SCHEDULE.

FORM A.

Banking Act 1945.

BALANCE-SHEET

of the as at the close of business on.

<i>Liabilities.</i>		<i>Assets.</i>	
	£ s. d.		£ s. d.
1. Authorized capital*	..	1. Coin, bullion, notes and cash at bankers§	..
2. Issued capital†	..	2. Money at short call—	..
3. Paid-up capital	..	(a) London	..
4. Reserve funds‡—	..	(b) Elsewhere	..
.....	..	3. Special Account with Commonwealth Bank	..
5. Final dividend proposed	..	4. Cheques and bills of other banks and balances with and due from other banks	..
6. Balance of profit and loss account	..	5. Treasury bills—	..
7. Total shareholders' funds	..	(a) Australian Governmentments;	..
8. Interminable deposits or deposit stock—	..	(b) Other Governments	..
.....	..	6. Public securities (excluding Treasury bills)¶—	..
9. Deposits, bills payable and other liabilities including provisions for contingencies	..	(a) Australian Government securities;	..
10. Notes in circulation	..	(b) Other Government securities;	..
11. Balances due to other banks	..	(c) Local and Semi-Governmental Authorities' securities..	..
Total	..	7. Bills receivable and remittances in transit	..
		8. Loans, advances and bills discounted (after deducting provisions for debts considered bad or doubtful)	..
		9. Bank premises, furniture and sites¶—	..
		10. All other assets	..
		Total	..

* Insert details of shares, including number, denomination, class and total.

† Insert details of shares issued, including number and amount, denomination and class, and amount paid up per share, and set out details of reserved liability (if any).

‡ State if used in the business or how otherwise used.

§ Include as cash at bankers only cash at central banks and London clearing banks but exclude Special Account with Commonwealth Bank.

¶ State basis of valuation, that is, cost price, market price or otherwise.

Directions.

1. Copies of this balance-sheet shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within six months after the date as at which the balance-sheet is prepared.

2.—(1.) If the balance-sheet includes any asset or liability (other than share capital or any reserve fund specifically set out therein) realizable or payable in any currency other than Australian currency, and the value of that asset or liability included in the balance-sheet is not the equivalent in Australian currency (calculated at a rate of exchange current on the date as at which the balance-sheet is prepared) of the value of that asset or liability in that other currency, the balance-sheet shall

THE SCHEDULES—*continued.*SECOND SCHEDULE—*continued.*FORM A—*continued.*

show what the effect on each relevant item of the balance-sheet would have been if the value of that asset or liability had been converted into Australian currency at such a rate of exchange.

(2.) The last preceding sub-paragraph shall not, so long as the Commonwealth Bank sells telegraphic transfers on New Zealand for not less than Ninety-nine pounds, and for not more than One hundred and one pounds, in Australian currency, for each One hundred pounds in New Zealand currency, apply in relation to any asset or liability realizable or payable in New Zealand currency.

FORM B.

Banking Act 1945.

STATEMENT OF PROFIT AND LOSS

of the in respect of the year ended.

	£	s.	d.		£	s.	d.
1. To Expenses (including Directors' fees £. . .) ..				1. By Discount and interest earned, net exchange, commissions and other items (including transfers from contingencies accounts), after deducting interest paid and accrued on deposits, rebate on bills current at balance date, amounts written off assets and losses on realization of assets and transfers to the credit of contingencies accounts (out of which accounts provisions for all bad and doubtful debts have been made)			
2. To Income, Land and other Taxes							
3. To Balance, being net profit for the year carried down..							
Total				Total			
4. To Transfer to Reserve Funds				2. By Net Balance brought forward			
5. To Amounts written off Bank Premises				3. By Net Profit for the year			
6. To Other Appropriations as follows :—							
.....							
7. To Dividends (*) :—							
Interim paid £.....							
Final proposed payable £							
8. To Balance carried forward..							
Total				Total			

* Rate of dividend for year

Gross amount of dividends

Less British taxes payable by bank and recouped from shareholders

Net amount of dividends payable to shareholders

THE SCHEDULES—*continued.*SECOND SCHEDULE—*continued.*FORM B—*continued.**Directions.*

1. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within six months after the end of the year to which the statement relates.

2.—(1) If the statement includes any credit earned or debit incurred in any currency other than Australian currency, and the value of that credit or debit included in the statement is not the equivalent in Australian currency (calculated at a rate of exchange current at some date during the year to which the statement relates) of the value of that credit or debit in that other currency, the statement shall show what the effect on each relevant item in the statement would have been if the value of that credit or debit had been converted into Australian currency at a rate of exchange current at some date during the year to which the statement relates.

(2.) The last preceding sub-paragraph shall not, so long as the Commonwealth Bank sells telegraphic transfers on New Zealand for not less than Ninety-nine pounds, and for not more than One hundred and one pounds, in Australian currency, for each One hundred pounds in New Zealand currency, apply in relation to any credit earned or debit incurred in New Zealand currency.

FORM C.

Banking Act 1945.

STATEMENT OF INCOME AND EXPENDITURE IN RESPECT OF AUSTRALIAN BUSINESS
of the..... in respect of the year ended

<i>Expenditure.</i>	£	<i>Income.</i>	£
1. Interest on deposits or deposit stock		1. Discount and interest—	
2. Directors' fees, salaries, wages and allowances		(a) on advances and bills discounted	
3. Contributions to Staff Provident Funds and pensions paid by bank		(b) on Australian Government securities (excluding Treasury Bills)	
4. Maintenance and repairs to premises, and expenditure on furniture and fittings ..		(c) on Australian Treasury Bills	
5. Rates of Local and Semi-Governmental Authorities		(d) on Special Account with Commonwealth Bank	
6. Other expenses of management		(e) other	
7. Land, pay-roll and other taxes allowable as deductions in ascertaining Commonwealth taxable income		2. Profit on overseas exchange transactions	
8. Bad debts and interest written off		3. Inland exchange	
9. Depreciation		4. Net earnings from commission, and charges for keeping current accounts ..	
10. Losses on realization of investments or other assets		5. Bad debt recoveries	
11. All other items		6. Interest recoveries	
12. Total Expenditure		7. Profits on realization or redemption of investments or other assets	
13. Australian Taxable Income for Commonwealth Purposes		8. Rents	
		9. All other items	
Total		Total	

THE SCHEDULES—continued.

SECOND SCHEDULE—continued.

FORM C—continued.

Adjustments.

£		£
Items of expenditure not allowable for Commonwealth income tax purposes—		Australian taxable income for Commonwealth purposes as above
.....		Items of income exempt from Commonwealth taxation—
.....	
Items of assessable income not taken to profit and loss account—		.....
.....	
.....		Items of expenditure allowable as deductions for taxation purposes but not charged to profit and loss account—
.....	
.....	
.....	
Total profit in respect of Australian business before deduction of Commonwealth income taxes and without allowance for depreciation of premises..		.....
	
	
	
Total		Total

Directions.

1. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within six months after the end of the year to which the statement relates.

THE SCHEDULES—continued.

SECOND SCHEDULE—continued.

FORM D.

Banking Act 1945.

STATEMENT OF LIABILITIES AND ASSETS WITHIN AUSTRALIA

of the as at the close of
business on

PART I.

<i>Liabilities.</i>		<i>Assets.</i>	
	£		£
1. Interminable Deposits or Deposit Stock		1. Coin and Bullion :—	
2. Deposits not bearing interest :—		(a) Gold ;	
(a) Australian Govern-		(b) Other	
ments ;		2. Australian Notes	
(b) Other		3. Cash with Commonwealth	
3. Deposits bearing interest :—		Bank	
(a) Australian Govern-		4. Special Account with Com-	
ments :		monwealth Bank	
(b) Other—		5. Balances with and due from	
(i) Fixed		other banks, and notes,	
(ii) Current		cheques and bills of other	
4. Notes in Circulation		banks	
5. Balances due to other banks..		6. Australian public securities :—	
6. Bills Payable and all other		(a) Commonwealth and	
liabilities to the public (ex-		States—	
cluding shareholders' funds)		(i) Treasury Bills*	
		(ii) Other securities*	
		(b) Local and Semi-	
		Governmental	
		Authorities*	
		7. Other public securities*	
		8. Other securities	
		9. Loans, Advances and Bills	
		discounted :—	
		(a) Australian Go-	
		vernment ;	
		(b) All other cus-	
		tomers	
		10. Bank premises, furniture and	
		sites	
		11. Bills Receivable and all other	
		assets	
Total		Total	

* Amounts redeemable overseas :—

.....
.....

THE SCHEDULES—*continued.*SECOND SCHEDULE—*continued.*FORM D—*continued.*

PART II.

State or Territory	Deposits not bearing interest.		Deposits bearing interest.			Total Deposits	Loans, Advances and Bills discounted.	
	Australian Governments.	Other	Australian Governments.	Other.			Australian Governments.	Other.
				Current.	Fixed.			
	£	£	£	£	£	£	£	£
New South Wales								
Victoria								
Queensland ..								
South Australia ..								
Western Australia								
Tasmania ..								
Australian Capital Territory ..								
Northern Territory								
Papua and New Guinea ..								
Other								
Total ..								

Directions.

1. This statement shall be prepared as at the close of business on Monday in each week.
2. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within fourteen days after the date as at which it is prepared.
3. Any accounts between the head office of the bank and a branch, or between different branches of the bank, shall not be included as liabilities or assets.
4. Contingent liabilities and assets shall not be included.

THE SCHEDULES—continued.

SECOND SCHEDULE—continued.

FORM E.

Banking Act 1945.

STATEMENT OF DEBITS TO CUSTOMERS' ACCOUNTS

within Australia by the..... during the week
ended

State or Territory.	Metropolitan Area.*		Elsewhere.	Total.
	Australian Govern- ments.†	Other.		
	£	£	£	£
New South Wales				
Victoria				
Queensland				
South Australia				
Western Australia				
Tasmania				
Australian Capital Territory				
Northern Territory				
Papua and New Guinea,				
Other				
Total				

* The "free of exchange" area in capital cities.

† At the bank's city branches only.

Directions.

1. This statement shall be prepared as at the close of business on Monday in each week.

2. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within fourteen days after the date as at which it is prepared.

THE SCHEDULES—*continued*.SECOND SCHEDULE—*continued*

FORM F.

Banking Act 1945.

STATEMENT OF FOREIGN CURRENCY POSITION

of the as at the close of business on £ Eng.

1. London Surplus as per London Office Books, excluding Surplus or
Deficiency Deficiency on New Zealand and Fiji Account

£ Eng.

2. Excess of London Remittances over Drawings in transit as per Aus-
London Drawings over Remittances in transit tralian books

£ Eng.

3. Balances (as per Australian books)—

(a) in New Zealand
 (b) in Fiji
 (c) in United States of America
 (d) in other overseas centres

Total overseas funds held on Australian account other than
 in London

Directions.

1. This statement shall be prepared as at the close of business on Monday in each week.

2. Copies of this statement shall be delivered to the Commonwealth Statistician and to the Commonwealth Bank within fourteen days after the date as at which it is prepared.

3. The amounts shown in item 3 shall be converted to English currency at the ruling telegraphic transfer buying rate of exchange.

SUPERANNUATION.

No. 15 of 1945.

An Act to amend the *Superannuation Act 1922-1943*.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Superannuation Act 1945*.

Short title
and citation.

(2.) The *Superannuation Act 1922-1943** is in this Act referred to as the Principal Act.

* Act No. 33, 1922, as amended by No. 45, 1924; No. 22, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; No. 53, 1942; and No. 18, 1943.

(3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1945*.

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation. 3. Section four of the Principal Act is amended by omitting from paragraph (c) of sub-section (5.), and from sub-section (6.), the words "an indefinite period" and inserting in their stead the words "a period of at least ten years".

Medical examination of employees 4. Section four B of the Principal Act is amended by omitting the word "appointment" (first occurring) and inserting in its stead the words "becoming an employee, or within such period thereafter as the Board allows".

5. After section four B of the Principal Act the following section is inserted :—

Married women not to be contributors. "4C.—(1.) A married woman who becomes an employee after the commencement of this section shall not be entitled or required to contribute to the Fund or to the Provident Account.

"(2.) A female employee who marries after the commencement of this section shall, for the purposes of this Act, be deemed to have resigned on the date of her marriage."

Scale of units of pension.

6. Section thirteen of the Principal Act is amended—

(a) by inserting in the proviso to paragraph (c) of sub-section (4.), after the word "defect", the words "(not being a defect which, in the opinion of the Board, is the result of the service of the contributor as a member of the Forces as defined by sub-section (2.) of section eighty c of this Act)"; and

(b) by omitting from the proviso to sub-section (4B.) the word "of" (last occurring) and inserting in its stead the word "for".

7. Section forty-one of the Principal Act is repealed and the following section inserted in its stead :—

Desertion by pensioner of wife or child.

"41.—(1.) Where a pensioner deserts his wife or leaves her without means of support, the wife may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that the wife has been deserted or left without means of support, the court may order the payment, during such period as it thinks desirable, of pension in accordance with section thirty-two of this Act as if the pensioner were dead.

“(2.) Where a pensioner whose wife is dead or divorced deserts, or leaves without means of support, any of his children who are dependent on him, the guardian of the children, or the Board, may, from time to time, apply to a court of summary jurisdiction constituted by a Police, Stipendiary or Special Magistrate, and, on proof that any child of the pensioner who is dependent on him has been deserted or left without means of support, the court may order the payment, during such period as it thinks desirable, of pension in accordance with section thirty-three of this Act as if the pensioner were dead.

“(3.) The Board shall comply with any order made under this section and the amount of the pension payable to the pensioner shall be reduced by the amount of the pension payable in pursuance of the order of the court.”.

8. Section fifty of the Principal Act is amended by omitting from sub-section (1.), and from paragraph (a) of sub-section (4.), the words “his duties” and inserting in their stead the words “duties which, in the opinion of the Board, are suitable to be performed by the pensioner, having regard to the duties performed by him immediately prior to his retirement”.

Pensioner restored to health may be recalled to service.

9. Section fifty-seven of the Principal Act is amended—

(a) by inserting after sub-section (1c.) the following sub-sections:—

Exchange of pension rights for equivalent rights under this Act.

“(1d.) Where, prior to the commencement of this sub-section, an employee has, in pursuance of sub-section (1.) of this section, transferred to the Board a right to a pension or superannuation allowance, and has received a grant of new rights of pension in respect of the transferred right, the employee may, within six months after the commencement of this sub-section, elect to receive, in lieu of those new rights, a grant by the Board of the following rights of pension under this Act:—

(a) a pension for himself on retirement equal to seventy-two and one half per centum of the pension which would have been payable to him on retirement if he had not transferred his right; and

(b) on his death—

(i) a pension for his widow equal to thirty-six and one quarter per centum of the pension which would have been payable to him if he had not transferred his right to the Board and had retired immediately prior to his death; and

- (ii) a pension for each of his children who are under the age of sixteen years, at the rate of Thirteen pounds per annum, until the age of sixteen has been attained.

“(1E.) Where, at the commencement of this sub-section, a person is in receipt of a pension under this section and the amount of the pension is less than it would have been if it had been calculated in accordance with the last preceding sub-section, that pension shall, as from the commencement of this sub-section, be increased to an amount calculated in accordance with the last preceding sub-section, and the amount of any pension payable on his death for his widow or children, or for both, shall be calculated in accordance with the last preceding sub-section.”; and

- (b) by omitting from sub-section (3.) the words “any agreement under”.

Deferred pay.

10. Section sixty L of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “to an officer or to the widow or children of an officer, the officer or his widow or children” and inserting in their stead the words “to an officer or employee or to the widow or children of an officer or employee, the officer or employee or the widow or children of the officer or employee”;
 (b) by inserting in sub-section (2.), after the word “officer” (wherever occurring), the words “or employee”; and
 (c) by adding at the end thereof the following sub-section:—

“(3.) Any reference in the preceding provisions of this section to any payment in the nature of deferred pay shall not include any such payment payable to a commissioned warrant officer, or to his widow or children, in respect of his service as a commissioned warrant officer of the Permanent Air Force prior to the second day of November, One thousand nine hundred and forty-two.”.

Partial incapacity.

11. Section sixty o of the Principal Act is amended by omitting from sub-section (2A.) the words “the last preceding sub-section” and inserting in their stead the words “sub-section (2.) of this section”.

Acceptance of election outside prescribed period.

12. Section seventy-six A of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “after the expiration” and inserting in their stead the words “before the commencement, or after the expiration,”;

- (b) by omitting from that sub-section the words " before the expiration of " and inserting in their stead the word " within " ; and
- (c) by omitting from sub-section (2.) the words " of an election under the last preceding sub-section " and inserting in their stead the words " , under the last preceding sub-section, of an election made after the expiration of the prescribed period " .

WAR GRATUITY.

No. 16 of 1945.

An Act relating to the payment of War Gratuity to members of the Defence Force in respect of War Service.

[Assented to 3rd August, 1945.]

[Date of commencement, 31st August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *War Gratuity Act* 1945.

Short title.

2. In this Act, unless the contrary intention appears—

Definitions.

" Australia " means that area comprising the States of the Commonwealth, the Australian Capital Territory and the Northern Territory ;

" Australian Territories " means the Territories of Papua, New Guinea and Norfolk Island ;

" date of embarkation ", in relation to a member, means the date upon which the member embarked on a ship or aircraft for service in an overseas area, but shall not be deemed to refer to the embarkation on that ship or aircraft on that date of a member who disembarked from that ship or aircraft before reaching an overseas area and, in the opinion of a prescribed authority, did not proceed forthwith in the same or another ship or aircraft for service in an overseas area ;

“date of entitlement” means the date on which a member or other person becomes entitled to be credited in the Register of War Gratuities with war gratuity in respect of the service of the member ;

“death due to war service” means death of a member which occurred in circumstances in which there is a liability upon the Commonwealth to pay war pension under the *Australian Soldiers’ Repatriation Act* 1920–1945 ;

“dependants” means the wife, widow or children (including ex-nuptial children) of any person who is or was a member, and any person who is or was wholly or partly dependent for his support upon the earnings of that person during the period of his service as a member or subsequently at any time before the date of entitlement of that person to war gratuity ;

“excepted injury or illness”, in relation to a member, means—

(a) an injury or illness which, in the opinion of a prescribed authority, was due to or arose from the serious default or wilful act of the member ;

(b) an intentionally self-inflicted injury ; or

(c) an injury or illness which, in the opinion of a prescribed authority, was due to or arose from any occurrence happening during the commission of a serious breach of discipline ;

“general qualifying service” means service performed on the days prescribed by section nine of this Act as days of general qualifying service ;

“member” means a person who, at any time during the war, has been—

(a) a member of the Naval Forces ;

(b) a member of the Military Forces ; or

(c) a member of the Air Force ;

“member of the Naval Forces” means a member of the Naval Forces raised in pursuance of the *Naval Defence Act* 1910–1934 and includes—

(a) any person who held a rank or rating in the Naval Forces (whether Permanent, Reserve or Temporary) of any part of the King’s dominions, other than the Commonwealth, in respect of any period in which he served as a member of the Royal Australian Navy ; and

(b) any member of the Royal Australian Naval Nursing Service or the Women’s Royal Australian Naval Service and such members or classes of members as are prescribed of any body or organization which has been replaced by or merged into either of those Services ;

“ member of the Military Forces ” means—

- (a) a member of the Permanent Military Forces ;
- (b) a member of the Australian Imperial Force ; and
- (c) a member of the Citizen Military Forces, enlisted, appointed or called up for continuous full time war service.

and includes a member of the Australian Army Nursing Service, the Australian Women's Army Service, the Australian Army Medical Women's Service or the Voluntary Airl Detachment and such members or classes of members as are prescribed of any body or organization which has been replaced by or merged into any of those bodies ;

“ member of the Air Force ” means a member of the Royal Australian Air Force established under the *Air Force Act* 1923–1941, and includes a member of the Royal Australian Air Force Nursing Service or the Women's Auxiliary Australian Air Force and such members or classes of members as are prescribed of any body or organization of women which has been replaced by or merged into either of those bodies ;

“ month ”, for the purposes of sections four, five, eight, twelve and thirteen of this Act, means a period of thirty days ;

“ overseas area ” means—

- (a) in relation to service during the period commencing on the third day of September, One thousand nine hundred and thirty-nine and ending on the sixth day of December, One thousand nine hundred and forty-one, any area outside Australia and outside Australian Territories ; or
- (b) in relation to service during the period commencing on the seventh day of December, One thousand nine hundred and forty-one and ending on the date twelve months after the cessation of hostilities, any area outside Australia ;

“ overseas qualifying service ” means service performed on the days prescribed by section seven of this Act as days of overseas qualifying service ;

“ sea-going ship ” does not include a depot ship or a ship principally employed on or in connexion with port or harbour defence ;

“ service abroad ” means service by a member—

- (a) in an overseas area or in a sea-going ship as a member of a body, contingent or detachment of the Defence Force engaged in service in such an area or ship ; or

(b) as a member of the air crew of a squadron, if the role of the squadron was operational involving flights out of Australia,

and includes service during the period of any voyage to an overseas area commencing on and including the date of embarkation for that area and service during the period of any voyage from an overseas area up to and including the date of disembarkation ;

“the cessation of hostilities” means a date to be proclaimed by the Governor-General from which, for the purposes of this Act, the hostilities in which the Commonwealth of Australia is engaged in the war shall be deemed to have ceased ;

“the war” means the war with Germany which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of commencement of this Act ;

“war gratuity” means war gratuity under this Act.

Payment of
war gratuity
authorized

3. War gratuity may be credited and paid in accordance with this Act to any member or other person authorized by this Act to receive war gratuity in respect of the overseas qualifying service or general qualifying service of that member.

Rate of war
gratuity

4.—(1.) The rate of war gratuity payable under this Act in respect of overseas qualifying service or service deemed to be overseas qualifying service shall be Three pounds fifteen shillings for each month or portion of a month of overseas qualifying service calculated in accordance with section twelve of this Act.

(2.) The rate of war gratuity payable under this Act in respect of general qualifying service or service deemed to be general qualifying service shall be Fifteen shillings for each month or portion of a month of general qualifying service calculated in accordance with section twelve of this Act.

Natives of
Torres Straits
Islands New
Guinea and
Papua

5. Notwithstanding anything contained in this Act—

(a) in the case of members who are natives of Torres Straits Islands or aboriginal natives of Australia enlisted in the Defence Force at rates of pay less than the minimum rates of pay prescribed for male members of the Australian Military Forces, the rate of war gratuity shall be Ten shillings for each month or portion of a month ; and

(b) in the case of members who are natives of New Guinea or Papua, war gratuity may take the form of a monetary payment at such rates as are prescribed or may be in such other form as is prescribed.

6. A war gratuity shall not be claimable or recoverable by any person as a matter of right, but shall be deemed to be a free gift by the Commonwealth in recognition of honorable service during the war, and the crediting or payment of a war gratuity may in any case be withheld or deferred by a prescribed authority or made subject to such terms and conditions as a prescribed authority, having regard to the interests or deserts of the claimant, thinks just and proper.

War gratuity
not a right.

7.—(1.) Subject to the provisions of sections ten and eleven of this Act, overseas qualifying service shall comprise each day of service as a member, and each day of the period following the death of a member, specified in one or more of the following paragraphs:—

Overseas
qualifying
service.

- (a) Service abroad for a continuous period of not less than ninety days or for periods aggregating not less than one hundred and eighty days in any period of twelve months;
- (b) Service abroad for any period or periods less than those specified in paragraph (a) of this sub-section, if, at the end of any such period, the member has been returned to Australia, or discharged from his ship, owing to injury or illness, not being an excepted injury or illness;
- (c) Service abroad for any periods at any time subsequent to service within the provisions of paragraph (a) or (b) of this sub-section;
- (d) Service abroad for any period, if the member's death occurred at the end of the period;
- (e) Service in any area, other than an overseas area, for any period of treatment in hospital or convalescent depot immediately following a member's return from service abroad, or discharge from his ship, owing to injury or illness, not being an excepted injury or illness;
- (f) Service in any area, other than an overseas area, for any period not exceeding ninety days immediately following any period of service described in paragraph (a), (b), (c) or (e) of this sub-section, except in cases where a member has been returned to Australia from an overseas area, or discharged from his ship, on account of an excepted injury or illness, and except in such other cases as are prescribed; and
- (g) In the event of a period of service described in paragraph (a), (b), (c), (d), (e) or (f) of this sub-section having been terminated by death due to war service, the period from the date of death to the date of notification of death to the Repatriation Commission or to the date of expiration of the period of twelve months next succeeding the cessation of hostilities, whichever is the earlier date, except in the case of the death of a member during the period deemed to be service by sub-section (1.) of section eleven of this Act:

Provided that—

- (i) if a member, after the cessation of hostilities, commences a period of service abroad, that service shall not be classified as overseas qualifying service, except in such cases and subject to such conditions as are prescribed ; and
 - (ii) if a member has returned to Australia at his own request or for prescribed disciplinary reasons, the period specified in paragraph (f) of this sub-section subsequent to the date of his disembarkation shall not be deemed to be overseas qualifying service, except in cases where a prescribed authority, acting in pursuance of powers conferred on a prescribed authority by the regulations, directs that it shall be deemed to be overseas service.
- (2.) Any day of service specified in more than one of paragraphs (a), (b), (c), (d), (e), (f) and (g) of the last preceding sub-section shall count as one day of service only.

Periods of overseas qualifying service less than twelve months.

8. Where a member has performed overseas qualifying service and the number of months of that service is less than twelve, the number shall be deemed to be twelve, but, unless otherwise prescribed, this section shall not apply if the member has returned to Australia at his own request or for prescribed disciplinary reasons or on account of excepted injury or illness.

General qualifying service.

9.—(1.) Subject to the provisions of sections ten and eleven of this Act, general qualifying service shall comprise each day of service as a member, and each day of the period following the death of a member, which is specified in any one or more of the following paragraphs :—

- (a) Service classified as overseas qualifying service within the provisions of section seven of this Act ;
- (b) Service on and after the seventh day of December, One thousand nine hundred and forty-one, if the member had served on continuous full-time war service for a period of six months immediately preceding that date ;
- (c) Service on and after the day following the date subsequent to the seventh day of December, One thousand nine hundred and forty-one, on which the member completed a period of six months continuous full-time war service ;
- (d) In the event of a period of service described in paragraph (b) or (c) of this sub-section having been terminated by death due to war service, the period from the date of death to the date of notification of death to the Repatriation Commission or to the date of the expiration of a period of twelve months from the cessation of hostilities, whichever is the earlier date, except in the case of the death of a member during the period deemed to be service under sub-section (1.) of section eleven of this Act ; and

(e) Service on or after the seventh day of December, One thousand nine hundred and forty-one, by a member who died before the completion of the period of six months service referred to in paragraph (c) of this sub-section, where his death was due to war service.

(2.) Any day of service specified in more than one of the paragraphs of the last preceding sub-section shall count as one day of service only.

(3.) The Governor-General may, by Proclamation, declare a date as the date upon which the general qualifying service of any class of member of the Permanent Forces specified in the Proclamation shall cease, and service by members included in that class after the date proclaimed shall not be deemed to be general qualifying service.

10. Service subsequent to the date twelve months after the cessation of hostilities or periods deemed to be service after that date shall not be included in a member's overseas qualifying service or general qualifying service.

Qualifying service does not include service later than twelve months after cessation of hostilities

11.—(1.) Where a member on termination of service has been granted pay in lieu of leave accrued in respect of his war service, a period from the termination of his service equal to the number of days for which he was granted pay in lieu of that leave shall, for the purposes of sections seven and nine of this Act, be deemed to be service as a member.

Special provisions as to period of service

(2.) Days of overseas qualifying service or general qualifying service shall not include—

- (a) any day in respect of which a member was not entitled to the full pay appropriate to his appointment, rank or rating or in respect of which his pay was forfeited, or, in the case of a member of the Naval Forces, any day on which he was absent without leave and in respect of which his pay was mulcted under the appropriate Naval Regulations; or
- (b) any day which was not part of the continuous full-time war service of a member:

Provided that, where a prescribed authority is satisfied, in respect of any day in respect of which a member was not entitled to the full pay appropriate to his appointment, rank or rating or in respect of which his pay was forfeited or mulcted, that there exist mitigating circumstances which justify the inclusion of that day as a day of overseas qualifying service or general qualifying service, the prescribed authority may direct that that day be so included.

12.—(1.) The number of months in respect of which a member is entitled to war gratuity in respect of his service at the rate prescribed for overseas qualifying service shall be the number of months of overseas qualifying service of the member based on the

Calculation of qualifying service.

total number of days on which he has performed overseas qualifying service (any fraction of a month being treated as one month) together with any additional period required to be included in pursuance of section eight of this Act.

(2.) The number of months in respect of which a member is entitled to war gratuity in respect of his service at the rate prescribed for general qualifying service shall be the number of months of general qualifying service of the member based on the total number of days on which the member has performed general qualifying service (any fraction of a month being treated as one month) less the number of months in respect of which the member is entitled to war gratuity in respect of his service at the rate prescribed for overseas qualifying service.

Addition to
war gratuity
in case of
death

13.—(1.) Where death due to war service occurred while the member was performing service specified in section seven of this Act, a sum calculated at the rate prescribed for overseas qualifying service for a period of seven months shall be added to the war gratuity to which he would otherwise be entitled.

(2.) Where death due to war service occurred while the member was performing general qualifying service, not being service specified in section seven of this Act, a sum calculated at the rate prescribed for general qualifying service for a period of seven months shall be added to the war gratuity to which he would otherwise be entitled.

Minimum
war gratuity
in case of
death and total
dependency.

14.—(1.) Where the death of a member due to war service occurred prior to the expiration of the period of twelve months next succeeding the cessation of hostilities and a prescribed authority determines in accordance with the regulations that any person or persons specified in sub-section (1.) of section seventeen of this Act was or were totally dependent on that member at the date of his death, an amount of war gratuity not less than the amount prescribed in respect of a period of three years service at the rate prescribed for overseas qualifying service (including any sum added under the last preceding section) shall, subject to section six of this Act, be credited and paid in respect of the deceased member's service, whether or not the member had, at the date of his death, any general qualifying service.

(2.) The amount by which the war gratuity is increased in consequence of the provisions of this section shall be credited and paid to or for the benefit of the person or persons totally dependent on the member, in such proportions as the regulations prescribe or a prescribed authority directs.

(3.) Where, at the date of the death of the member, he had no general qualifying service, the amount of war gratuity to be credited and paid in pursuance of this section shall be credited and paid to or for the benefit of the person or persons totally dependent on the member in such proportions as the regulations prescribe or a prescribed authority directs.

15. A member or other person who would, but for this section, be entitled to be credited with war gratuity in respect of the service of the member shall be disqualified from being so entitled if the member is included in one of the classes specified in the Schedule to this Act :

Disqualifica-
tions.

Provided that—

- (a) where disqualification under this section results from a member's absence without leave and a prescribed authority is satisfied that the member has neglected or failed to provide adequately for his dependants, the prescribed authority may authorize credit to some or all of those dependants of such amounts of war gratuity as the prescribed authority thinks fit, not exceeding in the aggregate the amount which could, but for this section, have been credited to, or in respect of the service of, that member ;
- (b) where in any case a prescribed authority, having regard to the meritorious service rendered by the member or other special circumstances, considers that it is inequitable to withhold the war gratuity which would, but for this section, have been credited, the prescribed authority may authorize the credit of the whole or such part of the war gratuity as the prescribed authority considers justified ; and
- (c) where an occurrence relating to the service of a member has rendered him liable to be disqualified for war gratuity under the provisions of this section and the member subsequently re-enlisted or was re-appointed for service, the occurrence relating to his earlier service shall not render him liable to be disqualified for war gratuity in respect of service following his re-enlistment or re-appointment after the time of the occurrence.

16. From the amount of any war gratuity to be credited there shall be deducted—

Deductions.

- (a) any amount due to the Commonwealth by the person to whom, or in respect of whose service, the war gratuity is to be credited, where the indebtedness of that person, to the Commonwealth was caused by fraud, deception or misappropriation on his part ; and
- (b) any amount due to the Minister of State for Repatriation or the Repatriation Commission by the person to whom, or in respect of whose service, the war gratuity is to be credited where that person has improperly disposed of property belonging to that Minister or that Commission, or property over which that Minister or that Commission holds security.

Death of
member before
date of
entitlement.

17.—(1.) Where a member in respect of whose service a war gratuity is to be credited has died before the date of entitlement, the war gratuity to which he would have been entitled shall not form part of the estate of the deceased member, and shall not be payable to the executor or administrator of the estate of the deceased member, but, except where otherwise prescribed, may be credited to or for the benefit of such one or more of the following persons, and in such proportions, as the regulations prescribe or a prescribed authority directs, namely, any person who—

- (a) is beneficially entitled under the will of the deceased to any part of his estate ; or
- (b) is, or would, if the deceased had died intestate, have been entitled to a share in the distribution of his intestate estate,

and who is either the widow or widower, or a child, parent, step-parent, foster-parent or dependant of the deceased.

(2.) Subject to the regulations, a prescribed authority may, in special circumstances, approve the crediting of the war gratuity to persons other than those included in the last preceding sub-section.

Date of
entitlement.

18. The date on which a person shall be entitled to be credited with war gratuity in respect of the service of a member shall be the date six months after the cessation of hostilities or, in the case of a member who is serving as a member on that date, either—

- (a) the date on which the member's service terminates ; or
 - (b) the date twelve months after the cessation of hostilities.
- whichever is the earlier date :

Provided that, in any case to which section fourteen of this Act applies, war gratuity may be credited as from any date later than six months, but not later than twelve months, after the cessation of hostilities :

Provided further that, in the case of any member included in a class of members specified in a Proclamation under sub-section (3.) of section nine of this Act, if the date proclaimed as the date upon which the general qualifying service of such class shall cease is subsequent to the date six months after the date of cessation of hostilities but prior to the date twelve months after the date of cessation of hostilities, the date so proclaimed shall be the date of entitlement.

Register of
War Gratuities.

19.—(1.) There shall be a Register of War Gratuities in which an account shall be kept for each member or other person who is entitled to a war gratuity.

(2.) The Register of War Gratuities shall be under the control of an officer appointed by the Governor-General who shall be known as the Registrar of War Gratuities.

20. Except as otherwise provided by this Act, payment of war gratuity shall be made at the expiration of a period of five years and six months after the cessation of hostilities.

Date of
payment of
war gratuity

21. In the case of a war gratuity credited in the Register of War Gratuities to the account of—

Payment of
war gratuity
before due date

(a) any person, where the amount credited to that person is less than Ten pounds;

(b) the widow of a member;

(c) the widowed mother of an unmarried deceased member;

(d) the mother of a deceased member, or an older sister of a deceased member who acted *in loco parentis* to him, if a prescribed authority is satisfied that she was totally dependent on the member at the time of his death or is in necessitous circumstances; or

(e) a member who is found by a prescribed authority to be blind or totally or permanently incapacitated,

and in such other cases as are prescribed, payment in whole or in part may, at the discretion of a prescribed authority, be made at any time after the date of entitlement.

22. Upon the recommendation of a prescribed authority, made in pursuance of an application by a member, the Minister may authorize the then present value of the whole or portion of the war gratuity to which the member is entitled to be transferred to the War Service Homes Commissioner or any other authority approved by a prescribed authority for the purpose of being credited by the Commissioner or other authority, by way of deposit or otherwise, towards the cost of the erection or purchase of a dwelling-house for the member, and the whole or portion of the war gratuity may, thereupon, be so transferred.

Application of
war gratuity
towards
purchase of
home for
member

23. Except as otherwise provided by this Act, no war gratuity or part of a war gratuity shall be alienable, whether by way or in consequence of sale, assignment, charge, execution, bankruptcy or otherwise howsoever.

War gratuity
inalienable
except as
prescribed

24. Where a person who is entitled to a war gratuity dies on or after the date of entitlement but before the date of payment, the amount of the war gratuity and interest shall form part of his estate, and may, subject to section fourteen of this Act, be paid to his personal representative or, if there is no personal representative, to such person or persons as a prescribed authority determines in accordance with the regulations:

War gratuity
to form part
of estate on
death after
entitlement

Provision in
case of
mentally unfit
persons.

25. Where a prescribed authority is satisfied that any person to whom a war gratuity is payable is mentally unfit, payment of the war gratuity may be made for the benefit of that person or some or all of his dependants, to such person, in such manner, and upon such conditions as the prescribed authority directs.

Provision for
dependants
when not
adequately
provided for
by member.

26. Where a prescribed authority is satisfied at any time prior to the date of entitlement of any member that the member has neglected or failed to provide adequately for some or all of his dependants, the prescribed authority may direct that the whole or portion of the war gratuity to which the member would otherwise be entitled shall be credited and payable to those dependants or to some person in trust for them upon such trusts as the prescribed authority directs which shall, if the prescribed authority so directs, be set out in a deed of trust executed by that person.

Interest on
war gratuity.

27.—(1.) Subject to sub-sections (2.) and (3.) of this section, on the date of payment of the whole or the final balance of the war gratuity to which a person is entitled, compound interest at the rate of Three pounds five shillings per centum per annum calculated on the basis of yearly rests from the date of entitlement to that date of payment shall be credited to the account of that person in the Register of War Gratuities on the amount of war gratuity in credit to that account and shall be deemed to be part of the war gratuity and paid accordingly.

(2.) Interest shall not be credited with respect to any period subsequent to a date five years and six months after the cessation of hostilities.

(3.) Where the war gratuity is paid in full within three months from the date of entitlement, no interest shall be credited or paid.

War gratuity
and interest
not liable to
income tax.

28. The amount of—

(a) any war gratuity; or

(b) any interest credited or paid to any person in pursuance of this Act,

shall not be liable to income tax under any law of the Commonwealth or of a State or Territory of the Commonwealth, and shall not be deemed to be property or income for the purposes of the *Invalid and Old-age Pensions Act 1908-1945*, the *Australian Soldiers' Repatriation Act 1920-1945* or the *Widows' Pensions Act 1942-1944*.

Offences.

29. Any person who—

(a) obtains any war gratuity or interest which is not payable;

(b) obtains payment of any war gratuity or interest by means of any false or misleading statement; or

(c) makes or presents to the Minister, or to any officer or authority doing duty in relation to this Act or the regulations, any statement or document which is false in any particular,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

30.—(1.) The Treasurer may, from time to time, under the provisions of the *Commonwealth Inscribed Stock Act* 1911–1940, or under the provisions of any Act authorizing the issue of Treasury Bills, borrow such moneys as are necessary for carrying out or giving effect to this Act.

Authority to
borrow money
for purposes
of Act.

(2.) The amount borrowed shall be issued and applied only for the expenses of borrowing and for the purposes of this Act.

31. The Consolidated Revenue Fund is, to the necessary extent, hereby appropriated for the purposes of this Act.

Appropriation
of Consolidated
Revenue Fund.

32. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular prescribing matters providing for and in relation to—

Regulations.

- (a) the appointment and tenure of office of prescribed authorities ;
- (b) the summoning of witnesses, the taking of evidence on oath and the production of documents ; and
- (c) penalties, not exceeding Fifty pounds, for offences against the Regulations.

THE SCHEDULE.

CLASSES OF MEMBERS DISQUALIFIED FOR WAR GRATUITY.

1. Any member—

- (a) who has been absent without leave for a period of thirty days or more and has not, prior to such date as is prescribed in relation to the class of members in which the member is included, surrendered or been apprehended ;
- (b) who, after such date as is prescribed in relation to the class of members in which the member is included, has absented himself without leave for a continuous period of thirty days or more ;
- (c) who is proved to the satisfaction of a prescribed authority to have been discharged or to have had his appointment terminated in consequence of wounds intentionally inflicted by himself or illness intentionally induced by himself ;
- (d) who being an officer was, by sentence of court-martial, cashiered or dismissed from His Majesty's service or from the Defence Force or whose commission was cancelled, or whose appointment was terminated, by sentence of court-martial, or who was retired and such retirement was entered in Service records as being on account of an offence or misconduct of any kind committed during his service ; or
- (e) who, by reason of any sentence or award of penal servitude, imprisonment or detention imposed on him while on the voyage for service overseas or while in a training camp, a ship or a depot, was unable to join a unit in the field, a ship or a depot (other than a unit or depot to which the member was posted for the purpose of undergoing penal servitude, imprisonment or detention, or a training camp or training depot) unless—
 - (i) he had, prior to the date of the sentence or award, completed a period of overseas qualifying service ; and
 - (ii) in the opinion of a prescribed authority, the circumstances of that service are such as would not justify his being disqualified for war gratuity.

2. Any member of the Naval Forces—
 - (a) who has been discharged "Run";
 - (b) who has been dismissed from His Majesty's Service with disgrace;
 - (c) who has been dismissed from His Majesty's Service;
 - (d) who has been discharged from the Naval Service as "Services no longer required";
 - (e) whose services have been dispensed with on account of misconduct; or
 - (f) who has been invalidated from the Naval Services for causes due to misconduct or within his control.
3. Any member of the Military Forces—
 - (a) who has been, by sentence of court-martial, discharged with ignominy from His Majesty's Service or discharged from the Defence Force;
 - (b) who has been discharged for any of the following reasons:—
 - (i) that he had been guilty of misconduct;
 - (ii) that he had made a false answer on attestation;
 - (iii) that he was considered unfit for the duties of his corps; or
 - (iv) that it was considered his services were no longer required, and such discharge was, and was entered in Service records as being, on account of misconduct or discreditable service;
 - (c) who has been discharged for any of the following reasons:—
 - (i) that by reason of numerous convictions he is deemed to be incorrigible;
 - (ii) that he has been sentenced during his service to penal servitude or imprisonment by a civil court or by a court-martial; or
 - (iii) that he has been sentenced by a court-martial to detention for a period of six months or more; or
 - (d) who has been discharged for any of the following reasons:—
 - (i) that he was found to be not suitable for any military service;
 - (ii) that he was considered unsuitable for any further military duty; or
 - (iii) because his services, for any reason considered sufficient by the Military Board, were no longer required, and such discharge was, and was entered in Service records as being, on account of misconduct or discreditable service, or was because he had been sentenced to death by a civil court during his service.
4. Any member of the Air Force—
 - (a) who has been, by sentence of court-martial, discharged with ignominy from His Majesty's Service or discharged from the Defence Force; or
 - (b) whose appointment has been terminated or who has been discharged for reasons designated in the authority for termination of appointment or discharge as disciplinary.
5. Any other class prescribed by the regulations.

DROUGHT RELIEF.

No. 17 of 1945.

An Act to amend the *States Grants (Drought Relief) Act 1944*, and for other purposes.

[Assented to 3rd August, 1945.]

[Date of commencement, 31st August, 1945.]

Preamble

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Drought Relief Act 1945*.

(2.) The *States Grants (Drought Relief) Act 1944**, as amended by this Act, may be cited as the *States Grants (Drought Relief) Act 1944-1945*.

2. Section three of the *States Grants (Drought Relief) Act 1944* is amended by omitting the words "One million five hundred thousand pounds" and inserting in their stead the words "One million eight hundred and fifty-five thousand pounds".

Payment of financial assistance to certain States.

3. The Minister may apply, in such manner as he thinks fit, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, amounts not exceeding in the whole the sum of One thousand five hundred pounds for the purpose of the alleviation of hardship suffered, in consequence of drought, by persons concerned in the production, in the Australian Capital Territory, of wheat, oats or barley, or wheaten or oaten hay.

Drought relief in Australian Capital Territory.

WAR PENSIONS APPROPRIATION.

No. 18 of 1945.

An Act to grant and apply out of the Consolidated Revenue Fund a sum for War Pensions.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Preamble.

1. This Act may be cited as the *War Pensions Appropriation Act 1945*.

Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

3. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the Trust Account established under the *Audit Act 1901-1934* and known as the War Pensions Fund, the sum of Thirteen million pounds for war pensions.

Appropriation of £13,000,000 for war pensions.

LOAN.

No. 19 of 1945.

An Act to authorize the Raising and Expending of a certain Sum of Money.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- | | |
|---|--|
| Short title. | 1. This Act may be cited as the <i>Loan Act</i> 1945. |
| Commencement. | 2. This Act shall come into operation on the day on which it receives the Royal Assent. |
| Authority to borrow
£150,000,000. | 3. The Treasurer may, from to time, borrow, under the provisions of the <i>Commonwealth Inscribed Stock Act</i> 1911–1943, or under the provisions of any Act authorizing the issue of Treasury Bills, moneys not exceeding in the whole the amount of One hundred and fifty million pounds. |
| Purposes for which money may be expended. | 4. The amount borrowed may be issued and applied only for the expenses of borrowing and for the purposes of appropriations made, or to be made, by law. |
| Issue and application of
£150,000,000. | 5. There may be issued and applied out of the proceeds of any loan raised under the authority of this Act, or of any other Act, the sum of One hundred and fifty million pounds for war purposes. |

PAPUA-NEW GUINEA PROVISIONAL ADMINISTRATION.

No. 20 of 1945.

An Act to provide for the provisional administration of the Territory of Papua and that portion of the Territory of New Guinea no longer in enemy occupation.

[Assented to 3rd August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- | | |
|--------------|--|
| Short title. | 1. This Act may be cited as the <i>Papua-New Guinea Provisional Administration Act</i> 1945. |
|--------------|--|

2. This Act shall commence on a date to be fixed by proclamation. Commencement.

3. This Act shall apply to and in relation to the Territory of Papua and such portions of the Territory of New Guinea as from time to time cease to be areas to which the National Security (Emergency Control) Regulations apply, and the whole of the area to and in relation to which this Act from time to time applies shall be called the Territory of Papua-New Guinea. Application.

4. In this Act, unless the contrary intention appears—

“officer” means officer appointed under this Act;

“Ordinance” means Ordinance made under this Act;

“the Acting Administrator” means the person having, for the time being, under section twelve of this Act, all the powers and functions of the Administrator;

“the Administrator” means the Administrator appointed under this Act and includes the Acting Administrator;

“the *Gazette*” means the *Government Gazette* of the Territory and, during any period specified by the Minister by notice published in the *Commonwealth of Australia Gazette*, includes the *Commonwealth of Australia Gazette*;

“the Territory” means the Territory of Papua-New Guinea.

Definitions

5. The operation of sections ten to fifteen, sections seventeen and eighteen, sections twenty-two to forty-three, sections forty-six and forty-seven and section fifty of the *Papua Act* 1905–1940, and sections six to thirty-four of the *New Guinea Act* 1920–1935, is suspended, but nothing in this section shall affect the operation of any laws under any of those sections. Suspension of certain provisions of the *Papua Act* 1905–1940 and the *New Guinea Act* 1920–1935.

6. Subject to this Act, any Ordinance under the *Papua Act* 1905, or under that Act as subsequently amended, and any Ordinance under the *New Guinea Act* 1920, or under that Act, as subsequently amended, in force immediately prior to the date of commencement of this Act, may be amended or repealed by Ordinance under this Act. Amendment of Ordinances.

7.—(1.) Where, by or under any law in force in any part of the Territory at the date of commencement of this Act, any powers, functions or duties are conferred on, vested in, or required to be performed by, the Administrator or any authority (other than a court) or officer of the Territory of Papua or of the Territory of New Guinea, those powers, functions and duties shall, until otherwise provided by Ordinance, be deemed to be conferred on, vested in, or required to be performed by, the Administrator appointed under this Act or the authority or officer appointed in pursuance of section fifteen of this Act to have and exercise those powers or functions or to perform those duties, as the case requires. Administrative powers under laws continued in force.

(2.) Any reference, in any law in force in any part of the Territory at the date of commencement of this Act, to the Administrator or an authority (other than a court) or officer of the Territory of Papua

or of the Territory of New Guinea shall, in relation to anything done or to be done after the commencement of this Act and until otherwise provided by Ordinance, be read as a reference to the Administrator appointed under this Act or the authority or officer appointed in pursuance of section fifteen of this Act to have and exercise the powers or functions, or to perform the duties, in relation to which the reference occurs.

Legislative
power.

8.—(1.) Subject to this Act, the Governor-General shall have power to make Ordinances for the peace, order and good government of the Territory.

(2.) Every Ordinance shall—

(a) be notified in the *Commonwealth of Australia Gazette*; and

(b) take effect—

(i) from such date as is fixed by the Administrator by notice in the *Gazette*; or

(ii) where another date (whether before or after the date of notification) is specified in the Ordinance, from the date so specified.

(3.) A notice in the *Commonwealth of Australia Gazette* of any such Ordinance having been made shall be sufficient compliance with the requirement of paragraph (a) of the last preceding sub-section.

(4.) Every Ordinance shall, after it takes effect, be in force according to its tenor in the area for the time being constituting the Territory.

(5.) Every Ordinance shall be laid before each House of the Parliament within fifteen sitting days of that House after the making of the Ordinance.

(6.) If any Ordinance is not laid before each House of the Parliament in accordance with the provisions of the last preceding sub-section, it shall be void and of no effect.

(7.) If either House of the Parliament passes a resolution (of which notice has been given at any time within fifteen sitting days after an Ordinance has been laid before that House) disallowing that Ordinance or any part of it, the Ordinance or part so disallowed shall cease to have effect.

(8.) If, at the expiration of fifteen sitting days after notice of a resolution to disallow any Ordinance or part of an Ordinance has been given in either House of the Parliament in accordance with the last preceding sub-section, the resolution has not been withdrawn or otherwise disposed of, the Ordinance or part, as the case requires, shall thereupon be deemed to have been disallowed.

(9.) Where an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, the disallowance shall have the same effect as a repeal of the Ordinance, or part, as the case may be, except that, if any provision of any such Ordinance or part amended or repealed any law in force immediately prior to the coming into operation of that provision, the disallowance shall revive the previous law from the date of the disallowance as if the disallowed provision had not been made.

(10.) If an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, and any Ordinance containing any provision, being the same in substance as any provision so disallowed, or deemed to have been disallowed, is made within six months after the date of the disallowance, that provision shall be void and of no effect, unless—

- (a) in the case of an Ordinance, or part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed ; or
- (b) in the case of an Ordinance, or part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the resolution to disallow that Ordinance or part was given approves, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

9. There shall be an Administrator of the Territory who shall be charged with the duty of administering the government of the Territory on behalf of the Commonwealth.

Office of
Administrator.

10. The Administrator shall be appointed by the Governor-General by Commission under the Seal of the Commonwealth and shall hold office during the pleasure of the Governor-General.

Appointment of
Administrator

11. The Administrator shall exercise and perform all the powers and functions that belong to his office according to the tenor of his Commission and according to such instructions as are from time to time given to him by the Minister.

Powers and
functions of
Administrator.

12.—(1.) The Governor-General may, by Commission under the seal of the Commonwealth, appoint a person to act in the office of Administrator, and to administer the Government of the Territory, during any vacancy in the office of Administrator, or when the Administrator is absent from the Territory or unable by reasons of illness or incapacity to perform his duties ; and such person who so administers shall have and may exercise and perform all the powers and functions of the Administrator.

Acting
Administrator.

(2.) The exercise and performance of the powers and functions of the Administrator, during his absence from the Territory, by any person appointed under the last preceding sub-section, shall not affect the exercise or performance by the Administrator himself of any power or function.

13.—(1.) The Administrator may appoint any person to be a deputy of the Administrator within the Territory or any part of the Territory, and in that capacity to exercise during the pleasure of the Administrator such powers and functions of the Administrator as he thinks fit to assign to such deputy.

Deputies of
Administrator.

(2.) The appointment of a deputy shall not affect the exercise or performance by the Administrator himself of any power or function.

14. The Administrator and Acting Administrator and a deputy of the Administrator shall, before entering on the duties of their respective offices, take or make and subscribe, in the case of the

Oaths to be
taken by
Administrator,
&c.

Administrator or Acting Administrator, before the Minister, or some person thereto authorized by the Minister, and, in the case of a deputy, before the Administrator or some person, thereto authorized by the Administrator, an oath or affirmation of allegiance in the form in the Schedule to the Constitution and also an oath or affirmation in the form in the Schedule to this Act.

Officers.

15.—(1.) The Governor-General may appoint, or may delegate to the Minister or to the Administrator power to appoint, such officers as are necessary for the administration of this Act and for the proper government of the Territory.

(2.) If any person appointed under this section was, immediately prior to that appointment, an officer of the Public Service of the Commonwealth, his services as an officer of the Territory shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act* 1928–1940 shall apply as if this Act and this section had been specified in the Schedule to that Act.

**Establishment
of Supreme
Court.**

16.—(1.) There shall be, within the Territory, a Supreme Court of the Territory which shall be known as the Supreme Court of the Territory of Papua-New Guinea.

(2.) The Supreme Court of the Territory of Papua-New Guinea shall be a superior court of record and shall consist of such Judges as are appointed by the Governor-General.

(3.) The Judges of the Supreme Court shall have seniority according to the precedence assigned to them by their commissions.

(4.) A Judge of the Supreme Court of the Territory of Papua-New Guinea shall hold office during the pleasure of the Governor-General.

(5.) The Supreme Court of the Territory of Papua-New Guinea, a Judge of that Court and any Judge of that Court sitting in Chambers, shall have—

- (a) until otherwise provided by Ordinance, the same original jurisdiction, both civil and criminal, the same jurisdiction to hear and determine appeals from all judgments, orders, decrees, convictions and sentences of inferior courts having jurisdiction in any part of the Territory and the same powers and authority to apply and give effect to the law of any part of the Territory as, immediately prior to the commencement of this Act, the Supreme Court of the Territory of Papua, the Supreme Court of the Territory of New Guinea, a Judge of either of those Territories and a Judge of either of those Territories sitting in Chambers had, respectively, in relation to the Territory of Papua or the Territory of New Guinea; and
- (b) such jurisdiction, both civil and criminal, whether original or appellate, as is from time to time conferred by Ordinance,

and during the period of the operation of this Act the Supreme Court of the Territory of Papua and the Supreme Court of the Territory of New Guinea and the Judges of those Courts shall cease to have or to exercise any jurisdiction, power or authority in or in relation to any part of the Territory.

(6.) Any action, suit, cause, matter or proceeding which, immediately prior to the commencement of this Act, was pending in the Supreme Court of the Territory of Papua, in the Supreme Court of the Territory of New Guinea or, by virtue of regulation 22 of the National Security (External Territories) Regulations, in the Supreme Court of the Australian Capital Territory shall, by force of this section, be transferred to the Supreme Court of the Territory of Papua-New Guinea, and may be continued in that court as if it had originated in that court, and the documents filed in connexion with the action, suit, cause, matter or proceeding shall be transmitted accordingly to the Registrar of the Supreme Court of the Territory of Papua-New Guinea.

(7.) Every rule of court or order made, commission issued, judgment, decree, sentence, or direction given, or act done, prior to the commencement of this Act, by the Supreme Court of the Territory of Papua, the Supreme Court of the Territory of New Guinea, or a Judge or officer of either of those Courts, or the Supreme Court of the Australian Capital Territory or the Judge or an officer of that Court, in the exercise of the jurisdiction, power or authority of that Court in relation to either the Territory of Papua or the Territory of New Guinea, shall be deemed to have been made, issued, given or done by the Supreme Court of the Territory of Papua-New Guinea or a Judge or officer of that Court, and all seals, stamps, registers, rolls and other records of the three Courts first mentioned in this sub-section shall be deemed to be the seals, stamps, registers, rolls or records of the Supreme Court of the Territory of Papua-New Guinea.

(8.) Any reference, in any law in force in any part of the Territory at the date of commencement of this Act, to the Supreme Court of the Territory of Papua or the Supreme Court of the Territory of New Guinea, or to a Judge, the Registrar or any other officer of either of those Courts shall, in relation to anything done or to be done after the commencement of this Act, be read as a reference to the Supreme Court of the Territory of Papua-New Guinea, Judge, Registrar or other officer, as the case requires, exercising the jurisdiction, power or authority conferred by or under this Act.

(9.) The High Court shall have jurisdiction, with such exceptions and subject to such conditions as are prescribed by Ordinance, to hear and determine appeals from all judgments, decrees, orders and sentences of the Supreme Court of the Territory of Papua-New Guinea, and the decision of the High Court on any such appeal shall be final and conclusive.

(10.) It may be provided by Ordinance that an appeal to the High Court may be by case stated with the legal argument, if any, attached to the case in writing, and that it shall not be necessary in any such case for the parties to appear either personally or by counsel.

(11.) Nothing in this section shall affect any right of appeal existing immediately before the commencement of this Act from any judgment, decree, order or sentence of any Court or Judge or create any right of appeal which would not exist apart from this section.

(12.) Every barrister and solicitor of the Supreme Court of the Territory of Papua or of the Territory of New Guinea shall be deemed to be a barrister and solicitor of the Supreme Court of the Territory of Papua-New Guinea.

Duration
of Act.

17. This Act shall continue in operation until a date to be fixed by proclamation, and no longer, but in any event not longer than six months after His Majesty ceases to be engaged in war.

Section 14.

THE SCHEDULE.

OATH.

I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the office of Administrator (*or Acting or Deputy Administrator*) of the Territory of Papua-New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God.

AFFIRMATION.

I, A.B., do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Administrator (*or Acting or Deputy Administrator*) of the Territory of Papua-New Guinea, and I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

SPECIAL ANNUITY.

No. 21 of 1945.

An Act to provide for the payment of an Annuity to the Widow of the late the Right Honourable John Curtin.

[Assented to 16th August, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title.

1. This Act may be cited as the *Special Annuity Act 1945*.

Commencement.

2. This Act shall be deemed to have come into operation on the sixth day of July, One thousand nine hundred and forty-five.

3.—(1.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to the widow of the late the Right Honourable John Curtin, an annuity at the rate of Five hundred pounds per annum.

Annuity to the widow of the late the Right Honourable John Curtin.

(2.) The annuity provided by this section shall cease to be payable in the event of the remarriage of the annuitant.

4. The annuity payable under this Act shall be paid in monthly instalments.

Annuity payable monthly.

MATRIMONIAL CAUSES.

No. 22 of 1945.

An Act relating to Matrimonial Causes.

[Assented to 16th August, 1945.]

[Date of commencement, 13th September, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Matrimonial Causes Act* 1945. Short title.

2. This Act is divided into Parts, as follows :—

Parts.

Part I.—Preliminary.

Part II.—Institution of Matrimonial Causes against Members of Overseas Forces, and certain other Persons, not Domiciled in Australia.

Part III.—Institution of Matrimonial Causes by certain Persons Domiciled in Australia.

Part IV.—Miscellaneous.

3.—(1.) In this Act, unless the contrary intention appears—

Definitions.

“Australia” includes the Territories of the Commonwealth ;

“marriage” includes a purported marriage which was void *ab initio* ;

“matrimonial causes” includes suits for the dissolution of marriage, nullity of marriage, restitution of conjugal rights and judicial separation, and also includes, as incidental to any such suit, matters in relation to damages, alimony, maintenance, the custody, maintenance and education of children, settlements, re-marriage, cross or counter-proceedings and costs, together with all other matters incidental to any such suit;

“suit” includes any action or original proceeding between parties;

“Territory” means Territory of the Commonwealth.

(2.) In this Act, any reference to the Supreme Court of a Territory shall, in relation to the Territory of Norfolk Island, be read as a reference to the Court of Norfolk Island sitting in its Full Jurisdiction.

PART II.—INSTITUTION OF MATRIMONIAL CAUSES AGAINST MEMBERS OF OVERSEAS FORCES, AND CERTAIN OTHER PERSONS, NOT DOMICILED IN AUSTRALIA.

Marriages to which Part II. applies.

4. This Part shall apply in relation to marriages celebrated in Australia, on or after the third day of September, One thousand nine hundred and thirty-nine, and before the appointed day, where the husband (whether a member of an overseas Naval, Military or Air Force, or not) was, at the time of the marriage, not domiciled in Australia, and the wife was, immediately before the marriage, domiciled in a State or Territory.

Institution of matrimonial causes in relation to marriages to which Part II. applies.

5.—(1.) Where the parties to a marriage in relation to which this Part applies are not domiciled in a State or Territory, either party may institute proceedings in any matrimonial cause in the Supreme Court of the State or Territory in which that party is resident, notwithstanding that that party is not, or has not been for any period required by the law of that State or Territory, domiciled in that State or Territory.

(2.) The Supreme Court of each State is hereby invested with Federal jurisdiction, and jurisdiction is hereby conferred on the Supreme Court of each Territory, to hear and determine matrimonial causes instituted under the last preceding sub-section.

(3.) Nothing in this section shall entitle a person to institute proceedings in a matrimonial cause in any State or Territory if the parties to the marriage have, at any time since the marriage, resided together in a country outside Australia in which the husband was domiciled at the time of the residence.

(4.) For the purposes of the last preceding sub-section, where the husband was domiciled in a part of the United Kingdom, of a British possession or of the United States of America, residence in any other part of the United Kingdom, of that British possession, or of the United States of America, shall be deemed to be residence in the country in which the husband was domiciled.

(5.) This section shall not apply in relation to any proceedings in a matrimonial cause unless the proceedings are commenced not later than five years after the appointed day.

6. Subject to this Part, the Supreme Court of a State shall exercise any jurisdiction with which it is invested, and the Supreme Court of a Territory shall exercise any jurisdiction which is conferred on it, by this Part—

Law to be applied in proceedings under Part II.

(a) in accordance with the law (other than the law relating to practice and procedure) of the State or Territory in which the last or only matrimonial home of the parties to the marriage was situated; or

(b) if—

(i) the last or only matrimonial home of the parties was not in a State or Territory; or

(ii) the parties did not at any time have a matrimonial home,

in accordance with the law (other than the law relating to practice and procedure) of the State or Territory in which the marriage was celebrated.

7. Nothing in this Part shall affect the jurisdiction of any court of a State or Territory otherwise than under this Part.

Preservation of jurisdiction otherwise than under Part II.

8.—(1.) The validity of any judgment, decree or order made by virtue of any law enacted or made by any legislature or other authority having power to make laws with respect to matrimonial causes for any part of His Majesty's dominions outside Australia or for any other country which is declared by Proclamation to be a law substantially corresponding to the provisions made with respect to Australia by this Part shall, by virtue of this Act, be recognized in all courts in Australia.

Recognition of judgments, decrees, &c., of courts of other countries.

(2.) A Proclamation shall not be made under this section with respect to any law of any such part of His Majesty's dominions or of any other country, unless the Governor-General is satisfied that adequate provision is made by the law of that part or country for the recognition by the courts of that part or country of the judgments, decrees and orders which are given or made in pursuance of the provisions of this Part.

9. In this Part, "the appointed day" means such day as is specified by Proclamation to be the appointed day.

Definition.

PART III.—INSTITUTION OF MATRIMONIAL CAUSES BY CERTAIN PERSONS DOMICILED IN AUSTRALIA.

10.—(1.) Where any person domiciled in a State or Territory is resident in some other State or Territory and has resided there for not less than one year immediately prior to the institution of proceedings

Institution of matrimonial causes in certain cases.

under this Part, that person may institute proceedings in any matrimonial cause in the Supreme Court of that other State or Territory notwithstanding that that person is not, or has not been for any period required by the law of that other State or Territory, domiciled in that other State or Territory.

(2.) The Supreme Court of each State is hereby invested with Federal jurisdiction, and jurisdiction is hereby conferred on the Supreme Court of each Territory, to hear and determine matrimonial causes instituted under the last preceding sub-section.

Law to be
applied in
proceedings
under Part III.

11. Subject to this Part, the Supreme Court of a State shall exercise any jurisdiction with which it is invested, and the Supreme Court of a Territory shall exercise any jurisdiction which is conferred on it, by the last preceding section in accordance with the law (other than the law relating to practice and procedure) of the State or Territory in which the person instituting the proceedings is domiciled.

Preservation of
jurisdiction
otherwise than
under Part III

12.—(1.) Nothing in this Part shall affect the jurisdiction of any court of a State or Territory otherwise than under this Part.

(2.) Where it appears to the Supreme Court of a State or Territory in which proceedings in a matrimonial cause have been instituted under this Part—

(a) that similar proceedings have been instituted between the same parties in the Supreme Court of the State or Territory in which the parties are domiciled; or

(b) that it is in the interests of justice that the proceedings be carried on in the Supreme Court of the State or Territory in which the parties are domiciled,

the first-mentioned Supreme Court may, on the application of the respondent or defendant, stay proceedings in the cause for such time as it thinks fit, and, in the case of any cause to which paragraph (b) of this sub-section applies, may refer the cause to the Supreme Court of the State or Territory in which the parties are domiciled, and that court shall thereupon have the same jurisdiction to hear and determine the proceedings as it would have had if they had been instituted in that court otherwise than under this Part.

PART IV.—MISCELLANEOUS.

Effect of
judgments

13. Any judgment, decree, order or sentence of the Supreme Court of a State or Territory given or pronounced in the exercise of any jurisdiction invested or conferred by this Act shall be of the same force and effect as if that judgment, decree, order or sentence had been given or pronounced by a court of the State or Territory in which the parties were domiciled.

Regulations.

14. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are

required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and in particular—

- (a) providing for the substituted service of process in proceedings instituted under this Act; and
- (b) providing for the enforcement of judgments, decrees, orders or sentences given or pronounced in proceedings instituted under this Act.

15.—(1.) The Judges of the Supreme Court of any State or Territory, or such of them as may make Rules of Court in other cases, or, if there is only one Judge, that Judge, may make Rules (not inconsistent with this Act or the regulations) for prescribing the practice and procedure in connexion with proceedings under this Act in that court. Rules of Court.

(2.) Until Rules have been so made, and so far as Rules so made do not provide for the circumstances of any particular case, the practice and procedure of the Supreme Court of the State or Territory shall apply as far as practicable.

16.—(1.) Section eleven of the *Service and Execution of Process Act* 1901–1934 is amended by omitting paragraph (f) of sub-section (1.) and inserting in its stead the following paragraph:— Proceedings where no appearance entered.

“(f) in a matrimonial cause—

- (i) that the domicile of the person against whom any relief is sought is within that State or part; or
- (ii) that the proceedings were instituted under the *Matrimonial Causes Act* 1945.”.

(2.) The *Service and Execution of Process Act* 1901–1934, as amended by this section, may be cited as the *Service and Execution of Process Act* 1901–1945.

WINE OVERSEAS MARKETING.

No. 23 of 1945.

An Act to amend the *Wine Overseas Marketing Act* 1929–1936.

[Assented to 16th August, 1945.]

[Date of commencement, 13th September, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Wine Overseas Marketing Act* 1945. Short title and citation.

(2.) The *Wine Overseas Marketing Act* 1929-1936* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Wine Overseas Marketing Act* 1929-1945.

**Australian
Wine Board.**

2.—(1.) Section five of the Principal Act is amended—

(a) by omitting from paragraph (g) of sub-section (2.) the words “one member” and inserting in their stead the words “three members”; and

(b) by omitting from sub-section (9.) the word “member” and inserting in its stead the word “members”.

(2.) Notwithstanding the provisions of sub-section (13.) of section five of the *Wine Overseas Marketing Act* 1929-1945, but subject to any other provisions of that Act, the first appointment after the commencement of this Act of the two additional members of the Australian Wine Board to represent grapegrowers supplying grapes to wineries and distilleries shall be for a period expiring at the expiration of the term of office of the member of the Board representing those grapegrowers at the commencement of this Act.

3.—(1.) Sections nine and ten of the Principal Act are repealed and the following sections inserted in their stead:—

**Fees and
allowances.**

“9.—(1.) Members of the Board, and the deputies of members while acting as such, shall be paid fees and allowances as provided in this section in respect of attendance at meetings of the Board or of the Executive Committee of the Board, or while engaged (whether in Australia or overseas) on such business of the Board as the Board determines.

“(2.) Subject to the next two succeeding sub-sections, a member or his deputy shall be paid fees and allowances at such rates as are prescribed.

“(3.) If a member or his deputy is also a member of the Parliament of the Commonwealth or of any State, he shall not be entitled to receive any fees or allowances but shall be reimbursed such expenses as he actually incurs by reason of such attendance or while engaged on such business.

“(4.) If a member or his deputy is a person permanently employed in the service of the Commonwealth, he shall not be paid any fees or allowances in respect of his services as a member or deputy, and the fees and allowances which would be paid to him if he were not so employed shall be paid to the Commonwealth.

**Chairman of
the Board.**

“10.—(1.) At a meeting of the Board which shall be held not later than the thirtieth day of September in each year, the Board shall appoint one of its members to be Chairman of the Board.

* Act No. 6, 1929, as amended by No. 48, 1930; No. 45, 1934; and No. 94, 1936.

“(2.) In the event of any vacancy occurring in the office of Chairman, the members of the Board shall, at the next meeting of the Board held after the occurrence of the vacancy, appoint one of their members to be Chairman of the Board.

“(3.) A member of the Board appointed as Chairman under either of the last two preceding sub-sections shall hold office until the appointment of a successor and shall be eligible for re-appointment.

“(4.) At any meeting of the Board at which the Chairman is not present, the members present shall appoint one of their number to act as Chairman at that meeting.”.

(2.) The person holding office as Chairman of the Australian Wine Board at the commencement of this section shall continue to hold that office until the appointment of a successor in accordance with the *Wine Overseas Marketing Act 1929-1945* and shall be eligible for re-appointment.

4. Section eleven of the Principal Act is amended by omitting from sub-section (3.) the word “four” and inserting in its stead the word “six”.

Meetings of
the Board.

5.—(1.) Section eleven A of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

Executive
Committee
of Board

“(1.) There shall be an Executive Committee of the Board consisting of—

- (a) the Chairman of the Board, who shall be the Chairman of the Executive Committee;
- (b) one of the members of the Board representing co-operative wineries and distilleries;
- (c) two of the members of the Board representing proprietary and privately owned wineries and distilleries; and
- (d) one of the members of the Board representing grapegrowers supplying grapes to wineries and distilleries.

“(1A.) The members of the Executive Committee (other than the Chairman of the Board) shall be elected annually by the Board.”; and

(b) by omitting sub-section (7.) and inserting in its stead the following sub-section:—

“(7.) Where a vacancy has occurred in the Executive Committee, the Board may elect as a member of the Executive Committee a member of the Board who represents the same interests as were represented by the member whose office has become vacant, and the member so elected shall hold office for the residue of the term for which the member whose office has become vacant was elected.”.

(2.) The first election of members of the Executive Committee of the Australian Wine Board under the provisions of the Principal Act, as amended by this Act, shall be held as soon as practicable after the first appointment of the two additional members of the Board in pursuance of the amendments made to section five of the Principal Act by section two of this Act.

London
Agency of
Board

6. Section twelve of the Principal Act is amended by adding at the end thereof the following sub-sections :—

“(4.) Subject to the next succeeding sub-section, a member of the London Agency shall be paid fees and allowances at such rates as are prescribed.

“(5.) If a member of the London Agency is a person permanently employed in the service of the Commonwealth, he shall not be paid any fees or allowances in respect of his services as a member of the London Agency, and the fees and allowances which would be paid to him if he were not so employed shall be paid to the Commonwealth.”.

Application of
moneys paid
into Fund.

7. Section twenty-two of the Principal Act is amended by omitting paragraph (c) and inserting in its stead the following paragraph :—

“(c) In making the payments provided for in sections nine and twelve of the Act ;”.

DARWIN LANDS ACQUISITION.

No. 24 of 1945.

An Act to authorize the acquisition by the Commonwealth, for certain purposes, of land in the Northern Territory of Australia comprised in the Town of Darwin and its environs, and for other purposes.

[Assented to 16th August, 1945.]

[Date of commencement, 13th September, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Darwin Lands Acquisition Act* 1945.

Definitions.

2. In this Act—

“the Act” means the *Lands Acquisition Act* 1906–1936, as applied by the *Lands Acquisition Ordinance* 1911–1926 of the Territory, subject to any modifications of that Act in its

application to the Territory made by that Ordinance or by any other Ordinance of the Territory, whether made before or after the commencement of this Act ;

“ the Territory ” means the Northern Territory of Australia.

3. Subject to this Act, the land in the Territory described in the Schedule to this Act, being land comprised in the Town of Darwin and its environs, may be acquired, whether by agreement or by compulsory process, in accordance with the provisions of the Act, for either or both of the following purposes, which shall be deemed to be public purposes of the Territory, namely :—

Certain land may be acquired

(a) The re-planning and development of the Town of Darwin and its environs ; and

(b) The institution of a system of leasehold tenure from the Crown in respect of any such land.

4. The value of any land acquired in pursuance of this Act by compulsory process shall, notwithstanding the provisions of section twenty-nine of the Act, be assessed according to the value of the land on the date of acquisition, without reference to any increase in value arising from the proposal to carry out any purpose specified in section three of this Act.

Date as at which land to be valued.

5. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purpose of paying the consideration agreed to be paid, or the compensation payable, in respect of the acquisition of land in pursuance of this Act.

Appropriation.

6. Land acquired in pursuance of this Act shall become Crown land of the Territory.

Acquired land to be Crown land of the Territory.

THE SCHEDULE.

All that land containing an area of ninety square miles be the same more or less being part of the Hundreds of Sanderson and Bagot County of Palmerston Northern Territory of Australia commencing on Low Water Mark of the Timor Sea at Shoal Bay at its intersection with the prolongation northerly of the western side of the road west of Section 21 Hundred of Sanderson and bounded thence by that prolongation and part of that side of that road southerly to the northeastern corner of Section 119 Hundred of Bagot thence by part of the southern side of a road easterly to the northwestern corner of Section 121 Hundred of Bagot thence by the western boundaries of Sections 121, 116, 111, 106, 101 and their prolongation southerly to the northwestern corner of Section 94 Hundred of Bagot thence by the western boundaries of Sections 94, 89, 81, 86 and 72 Hundred of Bagot southerly to the southwestern corner of that Section 72 thence by part of the northern side of a road and its prolongation westerly to the eastern boundary of Section 397 Hundred of Bagot thence by part of the western side of a road and its prolongation southerly to its intersection with the centre of Hudson Creek thence by the centre of that Creek downwards to Low Water Mark of Port Darwin at East Arm thence by Low Water Mark of Port Darwin and of the Timor Sea generally westerly northerly northeasterly and southeasterly to the point of commencement and including all land held for any estate or interest whatsoever and all land used for any purpose whatsoever pursuant to or under any licence authority or permission and all land so held or used below and contiguous to the said Low Water Marks and all tanks water pumping apparatus or appliances wharves jetties breakwaters and other erections structures fences and fixtures in or upon the said lands.

Section 3.

SCIENCE AND INDUSTRY RESEARCH.

No. 25 of 1945.

An Act to amend the *Science and Industry Research Act* 1920-1939.

[Assented to 16th August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Science and Industry Research Act* 1945.

(2.) The *Science and Industry Research Act* 1920-1939* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Science and Industry Research Act* 1920-1945.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Membership
of Council.

3. Section five of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the word "three" and inserting in its stead the word "five".

Meetings of
the Council.

4. Section six of the Principal Act is amended by omitting from sub-section (2.) the word "Five" and inserting in its stead the word "Six".

COMMONWEALTH INSCRIBED STOCK.

No. 26 of 1945.

An Act to amend the *Commonwealth Inscribed Stock Act* 1911-1943.

[Assented to 16th August, 1945.]

[Date of commencement, 13th September, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Inscribed Stock Act* 1945.

* Act No. 22, 1920, as amended by No. 20, 1926; No. 27, 1937; and No. 1, 1939.

(2.) The *Commonwealth Inscribed Stock Act* 1911-1943* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Inscribed Stock Act* 1911-1945.

2. Section two of the Principal Act is amended by omitting the words "Division 4.—Stock Certificates to Bearer." Parts

3. Section three of the Principal Act is amended by omitting the definition of "Stock" and inserting in its stead the following definition :— Definitions

"'stock' means Commonwealth Government Inscribed Stock or Australian Consolidated Inscribed Stock ;".

4. Section four of the Principal Act is amended— Power to create stock.

(a) by omitting from paragraph (a) the word "and" ; and

(b) by inserting after paragraph (a) the following paragraph :—

"(aa) converting any loan raised by the Commonwealth into any other loan so raised ; and".

5. Section twenty a of the Principal Act is repealed.

6. Section twenty-seven of the Principal Act is repealed and the following section inserted in its stead :—

"27. Except with the approval of the Treasurer, a transaction relating to stock shall not be registered or dealt-with within fourteen days prior to the date upon which interest is due or within one month prior to the date of maturity of the stock." Certificates of lien for moneys advanced by bank for purposes of assisting subscription of war loans.

7. Section twenty-nine of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words "or letters of administration" and inserting in their stead the words "letters of administration or other instrument authorizing a person to administer the estate of a deceased person". Transfers, &c., not to be registered within fourteen days before due date of interest.

8. Division 4 of Part III. of the Principal Act is repealed.

9. Section forty-eight of the Principal Act is amended— Verification of transmission.

(a) by omitting from paragraph (a) of sub-section (1.) the words "or stock certificate to bearer." ; Repeal of Division 4 of Part III

(b) by omitting from paragraph (a) of sub-section (2.) the words "or stock certificate to bearer" ; and Forging or uttering stock certificates, &c.

(c) by omitting from paragraph (c) of sub-section (2.) the words "stock certificate to bearer."

10. Section fifty of the Principal Act is amended by omitting from paragraph (c) the words "or stock certificate to bearer". Falsification of books or documents.

11. Section fifty-one a of the Principal Act is amended—

(a) by omitting from paragraph (a) the word "and" ; and Power to make out or issue Treasury Bonds.

(b) by inserting after paragraph (a) the following paragraph :—

"(aa) converting any loan raised by the Commonwealth into any other loan so raised ; and".

* Act No. 20, 1911, as amended by No. 40, 1912 ; No. 16, 1913 ; No. 26, 1915 ; Nos. 6 and 7, 1918. No. 2, 1927 ; No. 25, 1932 ; No. 5, 1933 ; No. 25, 1940 ; and No. 58, 1943.

12. Section fifty-two A of the Principal Act is repealed and the following section inserted in its stead :—

Stock
certificates, &c.,
not liable to
stamp duty.

“52A. The following instruments and documents shall not be liable to stamp duty or other tax under any other law of the Commonwealth or of a State or Territory of the Commonwealth unless they are declared to be so liable by the prospectus relating to the loan in respect of which they are issued or used :—

- (a) stock certificates, Treasury Bonds, Debentures and other prescribed securities ;
- (b) documents relating to the purchase, sale, transfer, transmission, conversion, renewal or redemption of stock, Treasury Bonds, Debentures or other prescribed securities ;
- (c) cheques and drafts drawn by a bank on behalf of the Commonwealth in connexion with any such conversion, renewal or redemption ;
- (d) documents relating to the payment of interest on stock, Treasury Bonds, Debentures or other prescribed securities ; and
- (e) cheques and drafts drawn by a bank on behalf of the Commonwealth for the payment of any such interest.”.

Powers of
attorney.

13. Section fifty-six of the Principal Act is amended—

- (a) by inserting in sub-section (2.), after the word “deposited”, the words “, or produced to the Registrar,” ; and
- (b) by inserting in sub-section (3.), after the word “deposited”, the words “or produced”.

National
Savings Stamps.

14. Section fifty-seven A of the Principal Act is amended by omitting from sub-section (2.) the words “(or, to the face value of Two pounds or any multiple thereof, in part payment)”.

NATIONAL DEBT SINKING FUND.

No. 27 of 1945.

An Act to amend the *National Debt Sinking Fund Act 1923-1934*.

[Assented to 16th August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1.—(1.) This Act may be cited as the *National Debt Sinking Fund Act 1945*.

(2.) The *National Debt Sinking Fund Act 1923-1934**, as amended by this Act, may be cited as the *National Debt Sinking Fund Act 1923-1945*.

* Act No. 5, 1923, as amended by No. 6, 1924; No. 3, 1925; No. 19, 1928; No. 17, 1929; No. 72, 1930, and No. 52, 1934.

2. Except as otherwise provided, this Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section nine of the *National Debt Sinking Fund Act 1923-1934* is amended by omitting sub-sections (2.) and (3.). National Debt Sinking Fund.

4.—(1.) After section ten of the *National Debt Sinking Fund Act 1923-1934* the following section is inserted :—

“ 10A. For the purposes of sections nine, nine AA and ten of this Act, all calculations in relation to overseas debts shall be made at the mint par of exchange prevailing on the first day of July, One thousand nine hundred and thirty.” Calculations in relation to overseas debts.

(2.) The section inserted by the last preceding sub-section shall be deemed to have come into operation on the first day of July, One thousand nine hundred and thirty.

LIFE INSURANCE.

No. 28 of 1945.

An Act relating to Life Insurance and other matters.

[Assented to 16th August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Life Insurance Act 1945*. Short title.
2. Except as otherwise provided by this Act, this Act shall commence on a date to be fixed by Proclamation. Commencement.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—Administration.
 - Part III.—Provisions relating to Companies.
 - Division 1.—Registration.
 - Division 2.—Deposits.
 - Division 3.—Statutory Funds.
 - Division 4.—Accounts, Balance-sheets and Audit.
 - Division 5.—Actuarial Investigations.
 - Division 6.—Documents to be furnished to the Commissioner.
 - Division 7.—Investigations by the Commissioner.
 - Division 8.—Judicial Management and Winding-up.
 - Division 9.—Transfer and Amalgamation.

Part IV.—Provisions relating to Policies.

Division 1.—Issue of Policies.

Division 2.—Assignments and Mortgages of Policies

Division 3.—Protection of Policies.

Division 4.—Paid up Policies, Surrender Values and Non-forfeiture.

Division 5.—Payment of Policy Moneys.

Division 6.—Payments on death of Children under Ten years of Age.

Division 7.—Children's Advancement Policies.

Division 8.—General.

Part V.—Provisions Relating to Industrial Insurance Business.

Part VI.—Commonwealth Government Insurance Office.

Part VII.—Miscellaneous.

Definitions.

4.—(1.) In this Act, unless the contrary intention appears—

“actuary” means a Fellow of The Institute of Actuaries incorporated by Royal Charter on the twenty-ninth day of July, One thousand eight hundred and eighty-four, or a Fellow of The Faculty of Actuaries in Scotland, and includes an Associate of either of those bodies who qualified as such before the commencement of this Act and is approved by the Treasurer or the Commissioner, and, when an Institute of Actuaries is established in Australia and has been approved by the Governor-General, includes a Fellow of that Institute :

“approved securities” means—

- (a) securities of or guaranteed by the government of the Commonwealth or of the United Kingdom or of any other part of the King's dominions :
- (b) municipal securities which have been approved by the Treasurer ;
- (c) debentures or stock of any corporation (whether public or private), formed or constituted in Australia, which have been approved by the Treasurer :
- (d) fixed deposits in any bank, carrying on business in Australia, which has been approved by the Treasurer ;
- (e) bank guarantees or undertakings which are in the prescribed form and have been approved by the Treasurer ;
- (f) unencumbered titles to freehold lands in Australia approved by the Treasurer and first mortgages of freehold lands in Australia approved by the Treasurer where the sum secured does not exceed two-thirds of the improved value of the lands

determined in the prescribed manner or such other proportion (being less than two-thirds) of that value as the Treasurer determines; and

(g) any other securities approved by the Treasurer;

"assignment", in relation to a policy, does not include a surrender of the policy to the company liable under the policy;

"Australia" includes any Territory of the Commonwealth to which this Act extends;

"chairman of directors", in relation to a company, means the person for the time being presiding over the board of directors or other governing body of the company;

"collecting book" includes any book or document in which a collector records payments of premiums;

"collector" includes every person, howsoever remunerated, who, by himself or by any deputy or substitute, makes house to house visits for the purpose of receiving premiums payable on policies, and includes such a deputy or substitute;

"company" means a body corporate which carries on or proposes to carry on life insurance business in Australia, but does not include the Commonwealth Government Insurance Office;

"continuous disability insurance business" means business of or in relation to, the issuing of, or the undertaking of liability under, continuous disability insurance contracts;

"continuous disability insurance contract" means a contract of insurance (which is by its terms to be of more than one year's duration and is incorporated in a life policy) whereby any person is to become entitled to a benefit in the event of the occurrence, within the duration of the contract, of death by accident or by some other cause specified in the contract, or of injury or disability caused by accident or sickness;

"financial year", in relation to a company, means each period of twelve months at the end of which the balance of the accounts of the company is struck;

"foreign company" means any company which is incorporated outside Australia;

"friendly society" means any society registered under any State Act or law of a Territory providing for the registration of friendly or benefit societies;

"industrial insurance business" means life insurance business, being business of, or in relation to, the issuing of, or the undertaking of liability under, industrial policies;

"industrial policy" means a policy upon which the premiums are, by the terms of the policy, made payable at intervals of less than two months, and are contracted to be received or are usually received, by means of collectors;

“ life business ” means business of, or in relation to, the issuing of, or the undertaking of liability under, life policies ;

“ life insurance business ” means life business, continuous disability insurance business and sinking fund business, or any of those businesses, but does not include—

(a) business in relation to the benefits provided by a friendly society or trade union for its members or their dependants ;

(b) business in relation to any scheme or arrangement whereby superannuation benefits, pensions or payments to employees or their dependants (and not to any other persons) on retirement, disability or death, are provided by an employer or his employees, or by both, wholly through an organization established by the employer or his employees or by both ; or

(c) in the case of a person who issues policies to his employees, and not to any other persons, in Australia, the business of or in relation to, the issuing of, or the undertaking of liability under, those policies ;

“ life policy ” means a policy insuring payment of money on death (not being death by accident or specified sickness only) or on the happening of any contingency dependent on the termination or continuance of human life (either with or without provision for a benefit under a continuous disability insurance contract), and includes an instrument evidencing a contract which is subject to payment of premiums for a term dependent on the termination or continuance of human life and an instrument securing the grant of an annuity for a term dependent upon human life ;

“ ordinary life insurance business ” means life insurance business being business of, or in relation to, the issuing of, or the undertaking of liability under, ordinary policies ;

“ ordinary policy ” means a policy other than an industrial policy ;

“ owner ”, in relation to a policy, means the person who for the time being has the legal title to the policy ;

“ participating policy ” means a policy by the terms of which the owner of the policy is entitled to a share in surpluses or profits which may be distributed by the company :

“ personal representative ” means the executor of the will, or administrator of the estate, of a deceased person ;

“ policy ” means a life policy or a sinking fund policy ;

“ premium ” includes an instalment of a premium ;

- “premium receipt book” includes any book or document held by the owner of a policy in which acknowledgments of receipts of premiums payable in respect of the policy are entered ;
- “principal officer”, in relation to any company, means the principal officer of the company, for the time being, in Australia ;
- “Schedule” means Schedule to this Act ;
- “sinking fund business” means business of, or in relation to, the issuing of, or the undertaking of liability under, sinking fund policies ;
- “sinking fund policy” means a policy ensuring payment of a sum, or series of sums, of money on a future date or dates in consideration of one or more premiums but does not include a life policy ;
- “Territory” means Territory of the Commonwealth ;
- “the Commissioner” means the Insurance Commissioner appointed under this Act ;
- “the Court” means the High Court of Australia ;
- “trade union” means any association registered under any State Act or law of a Territory as a trade union ;
- “war service” means service with any Naval, Military or Air Forces of any part of the King’s dominions and includes any engagement in aviation as part of that service.

(2.) In this Act, unless the contrary intention appears, any reference to a form shall be read as a reference to a form in the First Schedule.

(3.) For the purposes of this Act, the following shall be classes of life insurance business :—

- (a) life business under ordinary policies ;
- (b) life business under industrial policies ;
- (c) continuous disability insurance business under ordinary policies ;
- (d) continuous disability insurance business under industrial policies ;
- (e) sinking fund business under ordinary policies ; and
- (f) sinking fund business under industrial policies.

(4.) If a company satisfies the Commissioner that—

- (a) any class of life insurance business carried on by the company ought to be treated as if it were another class of life insurance business ; or
- (b) any other insurance business (not being business of insurance against loss of, or damage to, property) carried on, or to be carried on, by the company ought to be treated as if it were a class of life insurance business,

the Commissioner may direct that it shall be so treated, and thereupon it shall, for the purposes of this Act, be deemed to be that other class of life insurance business, or a class of life insurance business, as the case may be.

(5.) Where a company carries on continuous disability insurance business or sinking fund business, and either of those businesses is, by the instruments constituting the company or by its articles of association or other rules, dissociated from the other life insurance business of the company, the Commissioner may, on the application of the company, direct that, subject to such exceptions as are specified in the direction, the continuous disability insurance business or sinking fund business of the company shall be deemed not to be life insurance business, and thereupon the provisions of this Act shall not apply to that continuous disability insurance business or sinking fund business except to the extent so specified.

(6.) The Commissioner shall not make a direction under the last preceding sub-section unless he is satisfied that reasonable provision has been made by the company for its liability in respect of that continuous disability insurance business or sinking fund business.

Application of
Act.

5.—(1.) Subject to the next succeeding sub-section, this Act shall apply to State insurance extending beyond the limits of the State concerned.

(2.) Where the policies issued by any authority of a State carrying on life insurance business are guaranteed by the State, Division 2 of Part III. of this Act shall not apply to that authority.

(3.) The provisions of this Act shall not apply to—

- (a) any fund which is maintained by a company in respect of any part of its life insurance business, where none of the liabilities arising out of that part of its business relates to any policy registered by the company in Australia; or
- (b) the part of the life insurance business in respect of which that fund is maintained.

Applic. of
Act to
Territories.

6. This Act shall extend to any Territory of the Commonwealth (not being part of the Commonwealth) to which the Governor-General by Proclamation declares that this Act shall extend.

Repeal.

7.—(1.) The *Insurance Act* 1932–1937 shall cease to apply in relation to life insurance business as defined in this Act.

(2.) The *Life Assurance Companies Act* 1905 is repealed.

Certain State
Acts to cease
to apply to life
insurance
business.

8.—(1.) The provisions of this Act shall, subject to any exceptions prescribed by or under this Act, apply in relation to life insurance business, including State life insurance extending beyond the limits of the State concerned, to the exclusion of the application of the following State Acts and portions of State Acts and of any State Acts or portions of State Acts amending, adding to, or in substitution for any of those State Acts or portions of State Acts, namely:—

New South Wales—

Life, Fire, and Marine Insurance Act, 1902;

Life, Fire, and Marine Insurance (Amendment) Act, 1917;

Life, Fire, and Marine Insurance (Amendment) Act, 1938.

Victoria—

Instruments (Insurance Contracts) Act 1936 ;
Companies Act 1938, Part III. ;
Industrial Life Assurance Act 1938 ;
Instruments (Insurance Contracts) Act 1939 ;
Ordinary Life Assurance Act 1940 ;
Industrial Life Assurance Act 1940 ;
Instruments (Insurance Contracts) Act 1943.

Queensland—

The Life Assurance Companies Act of 1901 ;
The Insurance Act of 1916 ;
The Insurance Act of 1923 ;
The Life Assurance Companies Acts Amendment Act of 1933 ;
The Insurance Acts Amendment Act of 1934.

South Australia—

Life Assurance Companies Act, 1936 ;
Life Assurance Companies Amendment Act, 1939 ;
Life Assurance Companies Act Amendment Act, 1941 ;
Life Assurance Companies Act (Partial Suspension) Act, 1943.

Western Australia—

The Life Assurance Companies Act, 1889 ;
Life Assurance Companies Amendment Act, 1905 ;
Life Assurance Companies Act Amendment Act, 1939.

Tasmania—

Life Assurance Companies Act, 1874 ;
Life Assurance Companies Act, 1885 ;
Life Assurance Companies Act, 1906.

(2.) Nothing in this section shall operate prejudicially to affect the rights, powers or privileges under any of those Acts of the owner, or persons entitled to the benefit, of any policy issued prior to the commencement of this Act.

PART II.—ADMINISTRATION.

9.—(1.) There shall be an Insurance Commissioner, who shall be appointed by the Governor-General.

Insurance
Commissioner.

(2.) The Commissioner shall, subject to any directions of the Treasurer, be charged with the general administration of this Act.

10. If the Commissioner is not an actuary, the Treasurer shall cause arrangements to be made for the services of an actuary to be available at all times for the purpose of advising the Commissioner in relation to matters arising under this Act.

Actuarial
advice.

11.—(1.) The Commissioner shall, within three months after the thirty-first day of December in each year, furnish to the Treasurer, for presentation to the Parliament—

Annual report
and returns

- (a) a report on the working of this Act during that year ; and
- (b) printed copies or summaries of the documents lodged with him under Division 6 of Part III. of this Act during that year.

(2.) The Commissioner may attach to any such copy or summary any note which he thinks proper to make with reference to the document, together with a copy of any correspondence relating to the document.

(3.) The Treasurer shall cause a copy of the report of the Commissioner under this section, together with the printed copies or summaries referred to in paragraph (b) of sub-section (1.) of this section, to be laid before each House of the Parliament within fifteen sitting days of that House after the receipt of the report and copies or summaries by the Treasurer.

Delegation by
Commissioner.

12.—(1.) The Commissioner may, in relation to any particular matter or class of matters, or to any particular State or Territory, by writing under his hand, delegate all or any of his powers and functions under this Act (except this power of delegation), so that the delegated powers and functions may be exercised by the delegate with respect to the matter or class of matters, or the State or Territory, specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Commissioner.

Power of
Commissioner
to arbitrate.

13.—(1.) Where, in relation to a policy, any dispute or difference arises between the company and the policy owner, if the parties have agreed, whether by the terms of the policy or otherwise, to submit the dispute or difference to arbitration by the Commissioner, the Commissioner may act as arbitrator of the dispute or difference and his award shall be binding on both parties.

(2.) An arbitration under this section shall, unless the parties otherwise agree, be conducted in accordance with the provisions of the law relating to arbitration of the State or Territory in which the policy is registered by the company.

PART III.—PROVISIONS RELATING TO COMPANIES.

Division 1.—Registration.

Persons other
than companies
not to carry on
business

14. A person, other than a company, shall not, after the expiration of six months from the commencement of this Act, carry on any class of life insurance business in Australia except on behalf of a company registered under this Act.

Companies
not to carry on
business unless
registered.

15.—(1.) A company, other than a company carrying on life insurance business in Australia immediately prior to the commencement of this Act, shall not carry on any class of life insurance business in Australia unless it has been registered by the Commissioner.

(2.) A company carrying on life insurance business in Australia immediately prior to the commencement of this Act shall not, at any time after the expiration of six months from the commencement of this Act, carry on any class of life insurance business in Australia unless it has been registered by the Commissioner.

Penalty : Two thousand pounds and, in addition, Five hundred pounds for each day on which business is carried on in contravention of this section

16.—(1.) A person or company shall not be deemed to carry on any class of life insurance business by reason only—

Certain transactions not to be deemed carrying on business

(a) of collecting renewal premiums under a policy in respect of that class of business issued outside Australia to a person resident outside Australia at the date of issue of the policy ;
or

(b) of making payments due under any such policy.

(2.) Subject to the last preceding sub-section, a person or company receiving premiums or proposals in respect of life insurance business shall be deemed to be carrying on the class of life insurance business to which the premiums or proposals relate.

(3.) When a company has ceased to issue policies in respect of any class of life insurance business in Australia, it shall, unless the Commissioner is satisfied that reasonable provision has been made for its liability in respect of policies of that class previously effected, be deemed to carry on that class of business.

17.—(1.) Any company may make application to the Commissioner for registration under this Act.

Application for registration

(2.) The application shall be in writing, shall be signed by a director and by the principal officer of the company, and shall specify—

- (a) the situation of the head office of the company ;
- (b) the names of the directors and of the auditors, and the name and address of the principal officer, of the company ;
- (c) the name of the actuary (if any) of the company ;
- (d) in the case of a company carrying on life insurance business in Australia immediately prior to the commencement of this Act, the States and Territories of the Commonwealth and the countries outside Australia in which it carries on that business ;
- (e) in the case of a foreign company, the countries outside Australia in which the company carries on life insurance business ; and
- (f) the classes of life insurance business undertaken or to be undertaken by the company.

(3.) The application shall be accompanied by—

- (a) a copy of the instruments constituting the company ;
- (b) a copy of the articles of association or other rules of the company ;
- (c) a copy of the latest revenue account and balance-sheet of the company and a copy of the latest valuation report upon the financial position of the company ; and

- (d) in the case of a company having shareholders, a statement showing the nominal, subscribed and paid-up capital of the company and the amount of capital which has been paid in cash,

certified by the principal officer of the company to be true and correct.

Registration
of companies
carrying on
business
prior to
commencement
of Act.

18. Every company carrying on life insurance business in Australia immediately prior to the commencement of this Act shall, within three months after the commencement of this Act, make application in accordance with the last preceding section to the Commissioner for registration and, subject to this Act, the Commissioner shall, within three months after the receipt of the application, if satisfied that the application is in accordance with the provisions of this Act, register the company.

Registration
of other
companies.

19. The Commissioner may, on receipt of an application for registration from a company (not being a company carrying on life insurance business in Australia immediately prior to the commencement of this Act)—

- (a) subject to this Act, register the company ; or
- (b) with the approval of the Treasurer, refuse to register the company.

Compliance
with provisions
as to deposits.

20. A company shall not be registered unless the Commissioner is satisfied that the company has complied with such of the provisions of Division 2 of this Part as are applicable to it.

Foreign
company to
appoint
principal
officer

21. A foreign company shall not be registered unless it has appointed some person resident in Australia to be its principal officer and has informed the Commissioner in writing of the name and address of that person.

Certificate of
registration.

22. The Commissioner shall furnish to every company registered under this Act a certificate that the company has been so registered, and the certificate shall in all courts be *prima facie* evidence that the company specified in the certificate has been so registered.

Notification
of change in
particulars, &c.

23. If, subsequent to the registration of any company under this Act, any change takes place in the particulars specified in the application of the company for registration or in the particulars of the information or documents required to accompany the application, the company shall, within such time as is prescribed, notify the Commissioner in writing of the change.

Division 2.—Deposits.

Prior deposits
under State
Acts.
No. 4, 1932,
s. 7.

24.—(1.) Where, at the commencement of this Act, any amount or security is, in pursuance of any State Act specified in section eight of this Act, held by a State or by an authority of a State by way of

deposit on account of a company carrying on life insurance business, the State or authority shall forthwith pay the amount, or transfer the security, to the Treasurer.

(2.) Any amount or security on account of a company which is paid or transferred to the Treasurer in compliance with the last preceding sub-section shall, to the extent of the deposit required to be lodged by that company under this Act, be held by the Treasurer as, or as part of, the deposit so required.

25. Any deposit lodged with the Treasurer in pursuance of the *Insurance Act* 1932-1937 by a company in respect of life insurance business and held by the Treasurer immediately prior to the commencement of this Act shall thereafter continue to be held by the Treasurer as, or as part of, the deposit required to be lodged by that company under this Act.

Deposit under
Insurance Act
1932-1937.

26.—(1.) Subject to this Act, a company carrying on life insurance business in Australia immediately prior to the commencement of this Act shall deposit with the Treasurer money or approved securities or both to the value of Fifty thousand pounds.

Deposits by
existing
companies
No. 4, 1932.
s. 12.

(2.) Where a company carrying on life insurance business in Australia immediately prior to the commencement of this Act satisfies the Commissioner that its net liability, as ascertained at the latest actuarial valuation, in respect of that business is less than Two hundred and fifty thousand pounds, the company shall deposit with the Treasurer money or approved securities or both to the value of One thousand pounds for every Five thousand pounds of the amount which, in the opinion of the Commissioner, is the net liability of the company.

(3.) Where a deposit lodged under the last preceding sub-section is less than Fifty thousand pounds, the amount deposited shall be increased, within nine months after the date as at which each and every subsequent actuarial valuation is made, by One thousand pounds in respect of every Five thousand pounds by which the net liability of the company disclosed at that valuation exceeds the amount of the net liability taken into account in fixing the amount of its aggregate deposits previously lodged under this Act, until the amount deposited reaches Fifty thousand pounds.

27. A foreign company not carrying on life insurance business in Australia immediately prior to the commencement of this Act shall, before carrying on that business in Australia, deposit with the Treasurer, money or approved securities or both to the value of Fifty thousand pounds.

Deposit in case
of foreign
company.
Ibid. s. 12.

28.—(1.) A company incorporated in Australia (whether before or after the commencement of this Act) not carrying on life insurance business in Australia immediately prior to the commencement of this Act shall, before carrying on life insurance business in Australia, deposit with the Treasurer money or approved securities or both to the value of Five thousand pounds.

Deposit in case
of new life
insurance
companies.
Ibid. s. 18

(2.) The company shall thereafter deposit annually with the Treasurer money or approved securities or both to the value of Five thousand pounds, until the deposit reaches the value of Fifty thousand pounds :

Provided that in the case of a company having no shareholders the annual deposit under this sub-section shall be One thousand pounds until the deposit reaches the value of Fifty thousand pounds :

Provided further that the aggregate amount deposited shall not at any time be less than the aggregate amount which would be required by this Act to be deposited if the company had been carrying on life insurance business in Australia immediately prior to the commencement of this Act.

Investment of
sums deposited.
No. 4, 1932,
s. 18.

29. Every sum of money deposited by a company in pursuance of this Act shall be invested by the Treasurer in such approved securities as the company selects or, in default of selection within fourteen days after the deposit has been made, in such approved securities as the Treasurer determines.

Deposits part
of assets of
company.

30. All deposits by a company in pursuance of this Act shall be deemed to form part of the assets of the company, and all interest accruing due on the deposits or the securities in which they are for the time being invested shall be paid to the company.

Certificate as
to nature and
extent of
deposit.
Ibid. s. 19.

31. The Secretary to the Department of the Treasury, shall, on demand by a company, furnish to the company a certificate in writing, setting out the nature and extent of any deposit held by the Treasurer under this Act in respect of the company together with particulars of the securities (if any) forming the whole or part of the deposit.

Deposits by
companies
acquiring
business of
other
companies.
Ibid. s. 14.

32. If the Commissioner is satisfied that any company has acquired the life insurance business of any other company, a deposit by the acquiring company to the extent which would be required of that company by this Act if it carried on the business of that other company in addition to its own business shall, if the Commissioner so certifies, be a sufficient compliance with the requirements of this Division.

Increase of
deposit where
securities have
depreciated.
Ibid. s. 20.

33.—(1.) If the Treasurer is satisfied that by reason of depreciation in the value of securities or other cause the value of money and approved securities deposited by a company with him falls short of the value required by this Act, he may, by notice in writing, require the company to deposit with him money or approved securities or both to a value deemed by him to be sufficient to bring the amount of the deposit to the value required by this Act.

(2.) A notice under this section shall not be issued until after the Treasurer has given an opportunity to the company to be heard in connexion with the matter.

(3.) Any company which fails to deposit with the Treasurer money or approved securities or both as required by him under this section shall be guilty of an offence.

34.—(1.) Where in pursuance of Division 3 of this Part a company establishes and maintains one statutory fund only, the amount of the deposit lodged by the company under this Act shall, subject to this Act, be and remain as a security for the discharge of the liabilities of that statutory fund in respect of policies.

Deposits to be security to policy owners
No. 4, 1932.
s. 21.

(2.) Where in pursuance of Division 3 of this Part a company establishes and maintains more than one statutory fund, then in respect of every such statutory fund such portion of the amount of that deposit as the company with the approval of the Commissioner determines shall, subject to this Act, be and remain as a security for the discharge of the liabilities of that statutory fund in respect of policies.

(3.) The amount or the portion of the amount of any such deposit which is a security for the payment of liabilities of a statutory fund in respect of policies shall not be applicable in the discharge of any other liabilities of the company until the first-mentioned liabilities have been discharged or otherwise provided for to the satisfaction of the Commissioner.

35. If any money or securities held by the Treasurer as, or as part of, the deposit required to be lodged by a company under this Act are, while so deposited, lost, stolen, destroyed or damaged, the injury occasioned to all persons interested in the moneys or securities shall be made good out of moneys to be appropriated by the Parliament for the purpose.

Responsibility for lost securities
Ibid. s. 23

36.—(1.) A company may at any time substitute for any security held by the Treasurer as, or as part of, the deposit required to be lodged by the company under this Act any other approved security, but so that the total amount then deposited is not less than the amount required by this Act and any security so substituted shall be subject to the same charge or liability as the security withdrawn.

Substitution of deposits.
Ibid. s. 26

(2.) Any company which makes any such substitution shall be entitled to obtain from the Secretary to the Department of the Treasury, and the Secretary shall issue to the company, a certificate in writing of the substitution so made and a receipt for the substituted security, and the company shall lodge the certificate with the Commissioner.

(3.) Where a company ceases to carry on life insurance business in Australia, the Treasurer may permit the withdrawal of the whole of the money or securities held by him as the deposit required to be lodged by the company under this Act or such portion of the money or securities as he considers reasonable having regard to the liabilities of the company under policies registered by the company in Australia.

Division 3.—Statutory Funds.

Establishment
of statutory
funds.

Eng. Bill 1927,
Cl. 3

37.—(1.) Every company shall, subject to this section, establish, as at the date of the commencement of its financial year next after the commencement of this Act or as at the date on which it commences to carry on life insurance business in Australia, whichever is the later, and shall maintain, a statutory fund, under an appropriate name, in respect of the life insurance business carried on by it.

(2.) A company may establish and maintain a separate statutory fund, under an appropriate name, in respect of any class or classes of its life insurance business (or, with the consent of the Commissioner, in respect of a part of any class or classes of its life insurance business) and references in this Act to statutory funds shall include references to separate statutory funds so established.

(3.) The consent of the Commissioner under the last preceding sub-section to the establishment and maintenance of a separate statutory fund in respect of a part of any class or classes of the life insurance business of a company shall not be withheld in any case where he is satisfied that the company, as at the first day of January, One thousand nine hundred and forty-five, maintained the assets of that part separate from all other assets of the company.

(4.) Where the Commissioner has consented to the establishment of a separate statutory fund in respect of any part of a class or classes of life insurance business, that part shall, for the purposes of this Act, be deemed to be a class of life insurance business.

Formation and
application of
statutory
funds.
Ibid. Cl. 4.

38.—(1.) All amounts received by a company in respect of any class of life insurance business, after the establishment by the company of a statutory fund in respect of that class of life insurance business, shall be carried to, and become assets of, that fund.

(2.) Subject to the payment and application of such sums as may be allocated as surplus in pursuance of section fifty of this Act, the assets of a statutory fund shall not, so long as the company carries on the class or classes of life insurance business in respect of which the fund was established, be available to meet any liabilities or expenses of the company other than—

(a) liabilities or expenses referable to that class or those classes of life insurance business; and

(b) liabilities charged on those assets or any of them immediately prior to the commencement of this Act,

and shall not otherwise be directly or indirectly applied for any purpose other than the purposes of that class or those classes of life insurance business.

Ibid. Cl. 4.
Imp. Act 1928,
s. 18.

(3.) A company shall not mortgage or charge any of the assets of any statutory fund otherwise than to secure a temporary bank overdraft.

(4.) Subject to the next succeeding sub-section, a transaction shall not be invalidated by reason only that it has been entered into in contravention of the last preceding sub-section, but nothing in this sub-section shall affect the liability of any person to a penalty in respect of any such contravention.

(5.) The Court may, on the application of the Commissioner, make an order that a transaction entered into in contravention of sub-section (3.) of this section shall be invalidated, but the Court shall not make any such order if the Court is satisfied that the effect of the order (if made) would be to prejudice the rights of any person in respect of, or arising out of, the transaction which have been acquired in good faith and without knowledge of the contravention.

(6.) The assets of each statutory fund shall be kept distinct and separate from all other assets of the company.

(7.) The income arising from the investment of the assets of any statutory fund shall be carried to that fund.

(8.) Every director of a company shall be under the same liability, in the event of a contravention of the provisions of this section in respect of any statutory fund, as if he had been a trustee under a trust for the execution of those provisions in respect of that fund, and as if the appropriate policy owners had been beneficiaries of such a trust, unless the director proves that the contravention occurred without his knowledge and that he used all due diligence to prevent the contravention.

39.—(1.) Subject to this Act, the assets of every statutory fund maintained by a company may be invested (subject to any provisions in the instruments constituting the company or in the articles of association or other rules of the company which impose restrictions upon the manner in which the assets of the company may be invested) in such manner as the company thinks fit.

Investment
of statutory
funds.
Eng. Bill 1927,
Cl. 4.

(2.) The assets of a statutory fund shall not, without the sanction of the Court, be invested directly or indirectly in any share or interest in any company or undertaking carrying on life insurance business whether in Australia or elsewhere, but nothing in this sub-section shall prevent the allocation, under the next succeeding section, to a statutory fund of any such share or interest held at the commencement of this Act or require the re-investment of any such share or interest.

40.—(1.) Every company which, at the date of the commencement of this Act, is carrying on life insurance business in Australia shall, as at the date of the commencement of its financial year next after the commencement of this Act, allocate to every statutory fund established by the company assets at least equivalent to the aggregate amount of the sums which immediately before the date of the

Transitory
provisions
with respect
to statutory
funds.
Ibid. Cl. 5.

commencement of that financial year were standing to the credit of any fund or account maintained by the company as representing a liability of the company in respect of the class or classes of life insurance business in respect of which the statutory fund is established.

(2.) Every company to which the last preceding sub-section applies shall, within six months after the date of the commencement of that financial year, lodge with the Commissioner a statement showing that the provisions of that sub-section have been complied with and specifying the assets allocated to each statutory fund established by the company and all other assets of the company, and shall, if directed by the Commissioner so to do, supply to the Commissioner such information as he requires for the purpose of exercising his powers under this section.

(3.) If it appears to the Commissioner that any statement lodged with him under the last preceding sub-section is in any particular unsatisfactory, incomplete, inaccurate or misleading, or that insufficient assets are by the statement shown as having been allocated to any statutory fund, the Commissioner may, after considering any explanation made by or on behalf of the company, give to the company such directions in writing as he thinks necessary for the variation of the statement and for the allocation to the statutory fund of further assets and, subject to this section, the company shall forthwith comply with any directions so given.

(4.) An appeal shall lie to the Court against any direction given under the last preceding sub-section.

(5.) On any such appeal, the Court may confirm, disallow or vary the direction.

(6.) The assets shown—

(a) by any statement lodged with the Commissioner by a company under this section; or

(b) where directions are given by the Commissioner or, on appeal, by the Court, for the variation of the statement—by any such statement as so varied,

as being allocated to any statutory fund, shall form part of the assets of that statutory fund, and shall be deemed to have formed part of those assets as from the date of the commencement of the financial year of the company next after the commencement of this Act.

Division 4.—Accounts, Balance-sheets and Audit.

Separation of
accounts.
V. 4773, s. 12.
Imp. Act 1928,
s. 12.

41. Where a company establishes and maintains a statutory fund in respect of both ordinary life insurance business and industrial insurance business, it shall keep separate accounts of its receipts and payments (including sums ascertained by apportionment under the next succeeding section) in respect of the ordinary life insurance

business and in respect of the industrial insurance business and shall also keep separate accounts of the amounts of that statutory fund which are derived from the ordinary life insurance business and from the industrial insurance business, respectively.

42. Where a company establishes and maintains a statutory fund in respect of both ordinary life insurance business and industrial insurance business, and any amount received or paid by the company is in respect of the life insurance business in respect of which that statutory fund is maintained but is not received or paid wholly in respect of the ordinary life insurance business or wholly in respect of the industrial insurance business, the company shall, for the purposes of this Division, apportion the amount in an equitable manner between the ordinary life insurance business and the industrial insurance business.

Apportionment
of receipts
and payments
Imp. Act 1923,
s. 12.

43. Where a company treats any asset as having appreciated or depreciated in value, the company shall, for the purposes of this Division, regard the amount of the appreciation or depreciation as a receipt or payment, as the case may be.

Appreciation
and
depreciation
of assets

44.—(1.) Subject to this section, every company shall, at the expiration of each financial year of the company, prepare—

Accounts
and balance-
sheet.

- (a) a revenue account for the year in accordance with Form A in respect of each statutory fund;
- (b) a revenue account for the year in accordance with Form B in respect of any insurance business, other than life insurance business, carried on by the company;
- (c) except where the company does not carry on any business other than life insurance business, a profit and loss account for the year in accordance with Form C; and
- (d) a balance-sheet in accordance with Form D.

Imp. Act 1909,
ss. 4-5.
V. 4602, ss. 529-
530.
Q., ss. 9-10.
S.A., ss. 45-46.
W.A., ss. 16-17
T., ss. 14-15.

(2.) Where a statutory fund is maintained in respect of both ordinary life insurance business and industrial insurance business, separate revenue accounts in accordance with Form A shall be prepared for the ordinary life insurance business and for the industrial insurance business in respect of which that statutory fund is maintained.

45. The accounts of every company shall be audited annually by its auditors, and every account and balance-sheet prepared by the company under this Division shall bear a certificate by the auditors as to whether, in their opinion—

Aud
Itap.
s. v.
Eng.
Cl. 7.

- (a) the accounts and balance-sheet are in accordance with the provisions of this Act;
- (b) the balance-sheet truly represents the financial position of the company; and

- (c) the books of the company have been properly kept and record correctly the affairs and transactions of the company.

Certificate
as to
apportionment.
Imp. Act 1923,
s. 12 (3) (b).

46. If an apportionment has been made under section forty-two of this Act, the certificate of the auditors under the last preceding section shall state whether they are satisfied that the apportionment has been made in an equitable manner.

Auditors.

47.—(1.) A person appointed as an auditor of a company shall not be capable of performing the functions of an auditor under this Division unless the Commissioner has approved of his performing those functions.

(2.) The Commissioner may at any time revoke any approval given in respect of any person under this section, and thereupon that person shall not be capable of performing the functions of an auditor under this Division.

(3.) In the event of any approval under this Division being revoked in the case of a person who holds an appointment as an auditor of a company, the directors of the company may, subject to this section, appoint some other person to perform in respect of the company the functions of an auditor under this Division until such time as an auditor is appointed in accordance with the articles of association or other rules of the company.

(4.) An appeal shall lie to the Court or the Supreme Court of a State or Territory against any refusal of the Commissioner to approve of any person performing the functions of an auditor under this Division, or against any revocation of an approval given in respect of any person under this section.

(5.) On any such appeal, the Court may confirm or disallow the refusal or revocation.

Division 5.—Actuarial Investigations.

Actuarial
reports and
abstracts and
statements of
life insurance
business.

Imp. Act 1909,
ss. 5-6.
Eng. Bill 1927,
Cl. 8.
V. 4802,
ss. 532-533.
Q., ss. 12-13.
S.A., ss. 48-49.
W.A., ss. 19-20.
T., ss. 17-18.

48.—(1.) Every company shall, as at the date of the expiration of the financial year expiring next after the date of commencement of this Act or as at such later date as the Commissioner approves, and thereafter at intervals of five years, or at such shorter intervals as it notifies to the Commissioner to be the intervals adopted by it for the purposes of this Division—

- (a) cause an actuary to make an investigation into its financial condition, including a valuation of its liabilities in respect of its life insurance business and to furnish it with a report of the results of the investigation ;
- (b) cause an abstract of the report of the actuary to be prepared in accordance with the provisions set forth in the Second Schedule or in accordance with those provisions as amended by the regulations ; and
- (c) cause a statement of its life insurance business to be prepared in accordance with the provisions set forth in the Third Schedule or in accordance with those provisions as amended by the regulations.

(2.) Where a company causes such an investigation to be made at any other time, and the results of the investigation are made public, the company shall cause an abstract of the report of the actuary to be prepared in accordance with the provisions set forth in the Second Schedule or in accordance with those provisions as amended by the regulations, but subject to such modifications (if any) as the Commissioner approves.

(3.) The company shall cause a separate abstract and a separate statement to be prepared for each statutory fund maintained by the company and, where a statutory fund is maintained in respect of both ordinary insurance business and industrial insurance business, the company shall cause separate abstracts and statements to be prepared in respect of the ordinary life insurance business and in respect of the industrial insurance business.

(4.) The valuation balance-sheet annexed to any abstract shall, in accordance with a method approved by the Commissioner, show the net liabilities in respect of policies on registers in Australia separately from the net liabilities in respect of other policies.

49. The following provisions shall apply in regard to valuations made, in respect of any company, in pursuance of this Division :—

Provisions as
to valuations.
Imp. Act 1923,
s. 18.

- (a) The basis of valuation adopted shall be such as to place a proper value upon the liabilities, regard being had to the mortality experience among the persons whose lives have been insured by the company, to the average rate of interest from investments and to the expenses of management (including commission), and shall be such as to secure that no policy shall be treated as an asset :

Provided that the value placed upon the aggregate liabilities of any statutory fund by reason of the adoption of any basis of valuation shall not be less than it would have been if it had been calculated on the Minimum Basis in accordance with the rules set forth in the Fourth Schedule ;

- (b) The actuary who makes the valuation shall certify that, in his opinion, the value placed upon the aggregate liabilities of any statutory fund by the valuation is not less than the value which would have been placed upon those aggregate liabilities if it had been calculated on the Minimum Basis in accordance with the rules set forth in the Fourth Schedule ;
- (c) Where the balance-sheet of the company includes amongst the assets of a statutory fund any sums representing expenses of organization or extension, or the purchase of business or goodwill or any other intangible assets, and the amount of the other assets of the statutory fund (after

deducting debts due by the company in respect of that statutory fund) is less than the amount of the statutory fund as shown in the balance-sheet, the amount of the statutory fund shown in the appropriate valuation balance-sheet shall be reduced by the amount of the deficiency :

Provided that, for a period of seven years after the commencement of this Act, this paragraph shall apply with such modifications of its provisions as the Commissioner thinks just, if in the balance-sheet of the company which was last issued before the commencement of this Act any such sums were included :

Provided further that in no case shall any modification of the provisions of this paragraph be allowed by the Commissioner if the amount of the statutory fund as shown in the appropriate valuation balance-sheet would by reason of the modification exceed in amount the liabilities of the company in respect of the fund ; and

- (d) Where, prior to the commencement of this Act, debentures have been issued or loans raised which are charged on any of the assets of any statutory fund of the company, there shall be inserted in the valuation balance-sheet relating to that statutory fund a note giving the particulars of the charge and stating that the result shown by the valuation is subject to the liability arising from the charge.

Payment of
dividends and
bonuses from
statutory fund.

50.—(1.) A company shall not pay or apply any part of a statutory fund—

- (a) as dividends or otherwise as profits to shareholders ; or
(b) as bonuses to policy owners,

except in accordance with this section.

(2.) If, as a result of the latest valuation made in respect of a company in pursuance of this Division, the valuation balance-sheet of any statutory fund of the company discloses that the amount of the statutory fund is not greater than the amount of the liabilities of the company in respect of that fund, the company may pay or apply part of the fund as bonuses to policy owners in respect of bonuses which were included as a liability of the company in that valuation and which were attached to policies at the date of the commencement of this Act or which became attached to policies as a result of an allocation of surplus made in pursuance of the next succeeding subsection.

(3.) If, as a result of the latest valuation made in respect of a company in pursuance of this Division, the valuation balance-sheet of any statutory fund of the company discloses that the amount of the statutory fund is greater than the amount of the liabilities of the

company in respect of that fund, the company may allocate the surplus or any part of it, in any manner consistent with the provisions of the instruments constituting the company and the articles of association or other rules of the company :

Provided that—

- (a) the company shall not allocate any surplus unless the allocation has been approved by an actuary ; and
- (b) in respect of that part of the surplus which is derived from participating policies registered by the company in Australia, the amount allocated to or for the benefit of the shareholders of the company shall not exceed twenty-five per centum of the amount allocated to or for the benefit of the owners of those policies.

V. 4773, s. 14.

Division 6.—Documents to be furnished to the Commissioner.

51. Every company shall, at the expiration of each financial year, prepare, separately, returns in accordance with Forms E, F and G in respect of its ordinary life insurance business and in respect of its industrial insurance business, including in the returns the appropriate portions of any sinking fund business and continuous disability insurance business irrespective of whether separate statutory funds have been set up for those businesses.

Returns of policies.
V. 4602, s. 531.
Q., s. 11.
S.A., s. 47.
W.A., s. 18.
T., s. 16.

52.—(1.) Every account, balance-sheet, abstract, statement and return which a company is required by sections forty-four, forty-eight and fifty-one of this Act to prepare shall be printed and shall be signed by the chairman of directors and two other directors of the company and by the principal officer.

Accounts, balance-sheets, &c., to be signed and deposited.

Imp. Act 1909, s. 7.
Eng. Bill 1927, Cl. 8-9.
V. 4602, s. 535.
Q., s. 15.
S.A., s. 52.
W.A., s. 23.
T., s. 21.

(2.) Each account, balance-sheet, abstract, statement or return, signed as required by this section, and at least ten printed copies of each of those documents, shall be lodged with the Commissioner—

- (a) in the case of accounts, balance-sheets or returns required to be prepared under section forty-four or section fifty-one of this Act—within six months after the expiration of the financial year in respect of which they are prepared ; and
- (b) in the case of the abstract and statement required to be prepared under section forty-eight of this Act—within nine months after the date as at which the investigation was made,

or within such extended period, not exceeding three months, as the Commissioner allows.

(3.) If it appears to the Commissioner that any account, balance-sheet, abstract, statement or return lodged with him by a company in accordance with the provisions of this section is, in any particular, unsatisfactory, incomplete, incorrect or misleading, or that it does not comply with the requirements of this Act, the Commissioner may, by notice in writing served upon the company, require such explanations as he considers necessary to be made by or on behalf of the company within such time (not less than fourteen days) as is specified in the notice, and may, after considering any such explanations or if

Eng. Bill 1927, Cl. 9

the explanations required have not been given by the company within the time so specified, reject the account, balance-sheet, abstract, statement or return and give such directions as he thinks necessary for the variation of any of them within such time (not less than one month) as he specifies, and of any other account, balance-sheet, abstract, statement or return affected by the variation, and the company shall comply with any directions so given.

(4.) An appeal shall lie to the Court against any rejection of an account, balance-sheet, abstract, statement or return, or against any direction given by the Commissioner, under the last preceding sub-section.

(5.) On any such appeal the Court may—

- (a) confirm or disallow the rejection or direction ; or
- (b) vary the direction.

(6.) Every account and balance-sheet lodged with the Commissioner by a company in accordance with the requirements of this Division shall be accompanied by a copy of any report on the business of the company submitted to the shareholders or policy owners of the company in respect of the financial year to which the account or balance-sheet relates.

53. A printed copy of the latest account, balance-sheet, abstract, statement or return lodged with the Commissioner by a company in accordance with the requirements of this Division shall, on the application of any shareholder or policy owner of the company, be forwarded to him by the company.

Division 7.—Investigations by Commissioner.

54. The Commissioner may demand in writing from any company information relating to any matter in connexion with its business.

55.—(1.) If it appears to the Commissioner that—

- (a) a company is, or is likely to become, unable to meet its obligations ;
- (b) a valuation made in pursuance of Division 5 of this Part discloses that the amount of a statutory fund of a company is less than the amount of the liabilities of the company in respect of that statutory fund ;
- (c) a company has failed to comply with any provisions of this Act ;
- (d) a company has not, within a period of one month as from a date upon which the Commissioner demanded from it in writing any information which the Commissioner was entitled under this Act to demand from it, furnished that information fully and satisfactorily ;
- (e) the rate of expense of procuring, maintaining and administering any life insurance business of a company in relation to the income derived from premiums is unduly high ;

Copies to be
furnished.
Imp. Act 1909,
s. 8.
Eng. Bill 1927,
Cl. 9(b).
V. 4602, s. 535.
Q., s. 16.
S.A., s. 53.
W.A., s. 24.
T., s. 22.

Commissioner
may demand
information.
S. Africa, s. 28.
Power to
make
investigation.
Imp. Act 1923,
s. 17.
S. Africa, s. 29.

- (f) the method of apportionment of income or expenditure of a company among any classes of life insurance business or between life insurance business and any other business is inequitable ; or
- (g) any information in the possession of the Commissioner calls for an investigation into the whole or any part of the life insurance business of the company,

the Commissioner may serve on the company a notice in writing calling upon it to show cause, within such period, not less than fourteen days from the date of the notice, as is specified in the notice, why he should not, on the grounds so specified, investigate the whole or any part of the business of the company or appoint a person (in this Division referred to as "the Inspector") to make such an investigation and report to the Commissioner the results of his investigation.

(2.) If the company fails, within the period specified in the notice, to show cause to the satisfaction of the Commissioner, the Commissioner may make the investigation or may cause it to be made by the Inspector.

56.—(1.) In making an investigation under this Division, the Commissioner or the Inspector—

Power to
obtain
information.
S. Africa, s. 29.

- (a) may require the company to produce any securities, books, accounts, documents or statistics of the company for his inspection and to allow him to make such extracts from them as he deems fit ;
- (b) may examine on oath or affirmation, in relation to the company's business, any person who is, or has at any time been, a director, auditor, officer, agent, servant or shareholder of the company or the owner of a policy issued by the company or the personal representative of the owner ; and
- (c) for the purpose of the last preceding paragraph, may administer oaths or take affirmations.

(2.) A person specified in paragraph (b) of the last preceding sub-section shall produce to the Commissioner or the Inspector at his request any securities, books, accounts, documents or statistics of the company which are available to him and shall give to the Commissioner or the Inspector, at his request, any information in his possession relating to the business of the company.

Penalty : Fifty pounds.

(3.) A person so specified shall not refuse to be sworn or to make an affirmation or to give information on his examination on oath or affirmation, and shall not, in reply to a request made under the last preceding sub-section, give any false information.

Penalty : Fifty pounds.

Persons to
observe
secrecy.

*Income Tax
Assessment Act,*
s. 16

57.—(1.) A person shall not either directly or indirectly, except in the performance of any duty under this Act, make a record of, or divulge or communicate to any person, any information acquired by him under this Division.

(2.) A person performing any duty under this Division shall take an oath or make a declaration, in the manner and form prescribed, to maintain secrecy in conformity with the provisions of this section.

Penalty : One hundred pounds or imprisonment for six months.

Action after
completion
of investigation.

Imp. Act
1923, s. 17.
V. 4773, s. 13.
S. Africa,
s. 29 (7).

58.—(1.) After an investigation under this Division in respect of any company has been completed—

(a) the Commissioner shall transmit to the company a summary of the conclusions arrived at by him as a result of the investigation ; and

(b) the Commissioner may, without affecting any powers conferred by Division 8 of this Part, issue such directions in writing to the company, in respect of its life insurance business, as he thinks necessary or proper to deal with the situation disclosed in those conclusions and, in particular, a direction that the company shall not issue any further policies (other than paid up policies as required by this Act).

(2.) No direction issued to a company under this section shall remain in force for more than twelve months, but nothing in this sub-section shall prevent the Commissioner from issuing any further direction to the company.

(3.) An appeal shall lie to the Court against any direction issued under this section.

(4.) On any such appeal, the Court may confirm, disallow or vary the direction.

Division 8.—Judicial Management and Winding-up.

Application
for judicial
management
or winding-up.
S. Africa, s. 30.

59.—(1.) If the Commissioner, by reason of the conclusions arrived at by him as a result of an investigation under Division 7 of this Part in respect of any company is of opinion that it is necessary or proper so to do, he may apply to the Court for—

(a) an order that the company or any part of the business of the company be placed under judicial management ; or

(b) an order that the company or any part of the business of the company be wound up.

(2.) A company may, in respect of itself, after giving the Commissioner one month's notice in writing of its intention so to do, apply to the Court for any order specified in the last preceding sub-section.

(3.) Both the company and the Commissioner shall be entitled to be heard on any application made to the Court under this section.

(4.) A company or any part of the business of a company shall not be judicially managed or wound up except under the provisions of this Act.

(5.) Where an application is made under this section for an order in respect of any company, all actions and the execution of all writs, summonses and other processes against the company shall, by virtue of this section, be stayed and shall not be proceeded with without the leave of the Court first obtained or unless the Court otherwise directs.

60.—(1.) An order for the judicial management of a company or of part of the business of a company made after the hearing of an application under the last preceding section shall be subject to the provisions of this section and of the next six succeeding sections.

Judicial
management.
S. Africa, s. 31.

(2.) The Court shall appoint a judicial manager who shall receive such remuneration as the Court directs, and the Court may at any time cancel the appointment and appoint some other person as judicial manager.

(3.) The Court may direct how and by whom the remuneration, charges and expenses of the judicial manager shall be borne, and may, if it thinks fit, charge that remuneration and those charges and expenses on the property of the company in such order of priority in relation to any existing charges on that property as it thinks fit.

(4.) The management of the company, or of such part of the business of the company as the order of the Court directs shall, as on and after a date specified in the order, vest in the judicial manager appointed by the Court, but, except with the leave of the Court, the judicial manager shall not issue any further policies (other than paid-up policies as required by this Act).

(5.) As on and after the date so specified, any person vested with any such management immediately prior to that date shall be divested of that management.

(6.) The Court shall issue such directions to the judicial manager as to his powers and duties as it deems desirable in the circumstances of the case.

(7.) The judicial manager shall act under the control of the Court, and may apply to the Court at any time for instructions as to the manner in which he shall conduct the judicial management or in relation to any matter arising in the course of the judicial management.

(8.) The judicial manager shall give the Commissioner such information as the Commissioner requires from time to time, and shall report to the Commissioner whenever he intends to apply to the Court for instructions and shall, at the same time, furnish to the Commissioner particulars of the application.

(9.) The Commissioner shall be entitled to be heard on any such application, and may himself make application to the Court with reference to the conduct of the judicial management.

61. If at any time, on the application of the judicial manager or of any person interested, it appears to the Court that the purpose of the order for the judicial management of the company or of part of the business of the company has been fulfilled, or that for any

Cancellation
of judicial
management
order.

reason it is undesirable that the order should remain in force, the Court may cancel the order and thereupon the judicial manager shall be divested of the management which shall again vest in the board of directors or other governing body of the company.

Report by
judicial
manager.

62.—(1.) The judicial manager shall conduct the management with the greatest economy compatible with efficiency, and shall, as soon as possible, file with the Court a report stating which of the following courses is in the circumstances, in his opinion, most advantageous to the general interests of the owners of the policies of the company:—

- (a) The transfer of the business of the company to some other company or to the Commonwealth Government Insurance Office, in pursuance of a scheme to be prepared in accordance with Division 9 of this Part (whether the policies of the business continue for the original sums insured, with the addition of bonuses that attach to the policies, or for reduced amounts);
- (b) The carrying on of its business by the company (whether the policies of the business continue for the original sums insured, with the addition of bonuses that attach to the policies, or for reduced amounts);
- (c) The winding-up of the company or of any part of the business of the company;
- (d) The dealing with part of the business of the company in one way, and with part of that business in another way; or
- (e) Such other course as he deems advisable

(2.) The judicial manager shall forthwith after filing the report furnish a copy of the report to the Commissioner and make an application in writing to the Court for an order to give effect to the course stated in the report.

(3.) The report or a copy of the report shall be open for inspection by any person during official hours, at the Registry of the Court in which the report is filed or at such place as the Commissioner determines.

Indemnity.

63. The judicial manager shall not be subject to any action, claim or demand by, or liability to, any person in respect of anything done or omitted to be done in good faith in the exercise, or in connexion with the exercise, of the powers conferred on the judicial manager under this Division.

Decision of
Court on
report of
judicial
manager.

64.—(1.) The Court shall on the hearing of an application made under sub-section (2.) of section sixty-two of this Act—

- (a) after hearing the Commissioner, the judicial manager and any other person who in the opinion of the Court is entitled to be heard; and

(b) after considering the report of the judicial manager, make an order giving effect to the course which it considers in the circumstances to be most advantageous to the general interests of the owners of the policies of the company.

(2.) The order of the Court shall be binding on all persons, and shall have effect notwithstanding anything in the instruments constituting the company, or in the articles of association or other rules of the company.

65. Where an order is made by the Court for the transfer of the business of a company to some other company or to the Commonwealth Government Insurance Office the judicial manager shall prepare a scheme for the transfer in accordance with Division 9 of this Part and until the scheme is confirmed by the Court under that Division the management of the company shall continue to be vested in the judicial manager.

Transfer of
business to
another
company

66. The Court may, either of its own motion or on the application of the judicial manager, at any time while an order under section sixty of this Act is in force with respect to a company, after hearing all persons who, in the opinion of the Court, are entitled to be heard, cancel or vary (either unconditionally or subject to such conditions as the Court thinks just) any contract or agreement (other than a policy) between the company and any other person which the Court is satisfied is detrimental to the interests of the policy owners.

Cancellation
of contracts or
agreements

67.—(1) An order of the Court for the winding-up of a company made after the hearing of an application under section fifty-nine of this Act or made in pursuance of section sixty-four of this Act, shall be subject to the provisions of this section and of the next four succeeding sections.

Winding-up
S. Africa, s. 32.

(2.) The company shall be wound up by the Court which shall appoint a liquidator, who shall receive such remuneration as the Court directs, and the Court may at any time cancel the appointment and appoint some other person as liquidator.

(3.) The Court shall give such directions to the liquidator as appear to the Court to be necessary or desirable with respect to the winding-up.

(4.) The liquidator shall act under the control of the Court and may apply to the Court at any time for instructions as to the manner in which he shall conduct the winding-up or in relation to any matter arising in the course of the winding-up.

(5.) The liquidator shall give the Commissioner such information as the Commissioner requires from time to time, and shall report to the Commissioner whenever he intends to apply to the Court for instructions and shall at the same time furnish to the Commissioner particulars of the application.

(6.) The Commissioner shall be entitled to be heard on any such application, and may himself make an application to the Court with reference to the conduct of the winding-up.

(7.) Subject to this Act, and to any direction of the Court, the winding-up of a company incorporated within Australia shall be carried out in accordance with the law in force in the State or Territory in which the head office of the company is situated with respect to the winding-up of a company by a court and that law shall apply accordingly, with such modifications and adaptations as are necessary.

Ascertainment
of value of
liability under
policies

Imp. Act
1909, 7th
Schedule
Eng. Bill
1927, 7th
Schedule,
Pt. II

68. The liquidator shall ascertain, in such manner and upon such basis as the Court approves, the value of the liability of the company to every person appearing by the books of the company to be entitled to or interested in policies of the business of the company, and shall in such manner as he thinks proper give notice to every such person of the value so ascertained, and every person to whom notice is so given shall be bound by the value so ascertained, unless he disputes the valuation in such manner and within such time as is prescribed by the Rules of Court, or as the Court in any particular case by order directs.

Application of
certain assets

Eng. Bill
1927, Cl. 17.

69.—(1.) In the winding-up of a company, the value of the liabilities and the value of the assets of a statutory fund of the company shall be ascertained separately from the value of any other liabilities or from the value of any other assets of the company, and no assets of the statutory fund shall be applied to the discharge of any liabilities other than those in respect of that statutory fund except in so far as those assets exceed the liabilities of that statutory fund.

(2.) In the winding-up of a company, if, when the liabilities and assets of any statutory fund of the company have been ascertained, there is found to be a surplus of those assets over those liabilities, there shall be added to the liabilities of that statutory fund an amount equal to that proportion of the surplus so found as is equivalent to the proportion, if any, of the profits in the class or classes of life insurance business to which the statutory fund relates, allocated to shareholders and policy owners, which was allocated to policy owners during the ten years immediately preceding the commencement of the winding-up, and the assets of that statutory fund shall be deemed to exceed the liabilities of that statutory fund only in so far as those assets exceed those liabilities after that addition :

Provided that, if it appears to the Court that, by reason of special circumstances, it would be inequitable that the amount specified should be added to the liabilities of any statutory fund, the amount to be added shall be such amount as the Court directs.

Liability of
directors
and officers.

Eng. Bill
1927, Cl. 20.

70. If, in the course of the winding-up of a company, the Court is satisfied that the amount of any statutory fund has been diminished by reason of any contravention of the provisions of this Act, every person who at the time of the contravention was a director, the principal officer or an officer of the company, shall be deemed in respect of the contravention to have been guilty of misfeasance in relation to the company unless he proves that the contravention occurred without his knowledge and that he used all due diligence to prevent the contravention ; and the Court may assess the sum by which the amount of the statutory fund has been diminished by reason of the misfeasance, and may order any person guilty of the misfeasance to contribute to the statutory fund the whole or any part of that sum by way of compensation.

71. Upon the winding-up of a company, all money and securities for the time being held by the Treasurer as a deposit in respect of that company shall be paid to the liquidator and shall be applied by him in accordance with the provisions of this Act in the discharge of the liabilities of the statutory fund of the company in respect of policies.

Application of deposits.
No. 4, 1932, s. 22 (2).

72.—(1.) If an order of the Court for the winding-up of part of the business of a company is made after the hearing of an application under section fifty-nine of this Act, or in pursuance of section sixty-four of this Act, a scheme for the purposes of that winding-up shall be prepared and submitted for the confirmation of the Court—

Winding-up of part of business of company.
Eng. Bill 1927, Cl. 18.

(a) if the order is made after the hearing of an application under section fifty-nine of this Act—by the person who made the application; or

(b) if the order is made in pursuance of section sixty-four of this Act—by the judicial manager appointed in respect of the company.

(2.) Any scheme prepared under this section shall provide for the allocation and distribution of the assets and liabilities of the company between any classes of business affected (including the allocation of any surplus assets which may arise on the proposed winding-up), for any future rights of every class of policy owners in respect of their policies, and for the manner of winding-up any of the business of the company which is proposed to be wound up, and may contain such provisions as are expedient for giving effect to the scheme.

(3.) The provisions of sections sixty-seven, sixty-eight, sixty-nine, seventy and seventy-one of this Act shall apply, with such alterations as are necessary, in a winding-up in accordance with a scheme under this section.

Division 9.—Transfer and Amalgamation.

73. The life insurance business of any company shall not, either in whole or in part, be transferred to, or amalgamated with the life insurance business of, any other company, except in pursuance of a scheme prepared in accordance with this Division and submitted to and confirmed by the Court as prescribed in this Division.

Transfer or amalgamation.
Imp. Act 1909, s. 13.
Eng. Bill 1927, Cl. 13.
V. 4602, s. 539.
Q., s. 30.
S.A., s. 32.
W.A., s. 48
T., s. 25.

74. A scheme prepared in accordance with this Division shall set out the terms of the agreement or deed under which it is proposed to effect the transfer or amalgamation, and shall contain such further provisions as are necessary for giving effect to the scheme.

Preparation of scheme.

75.—(1.) Before an application is made for confirmation by the Court of any scheme for transfer or amalgamation—

Imp. Act 1909, s. 13.
Eng. Bill 1927, Cl. 13.
Q., s. 30.
T., s. 25.

(a) a copy of the scheme shall be lodged with the Commissioner together with copies of the actuarial and other reports (if any) upon which the scheme is founded;

Submission, confirmation and effect of schemes.

(b) notice of the intention to make the application (containing such particulars as are prescribed) shall, not less than one month after the copy of the scheme has been

Imp. Act 1909, s. 13.
Eng. Bill 1927, Cl. 25.
V. 4602, s. 539.
Q., s. 30.
S.A., s. 30.
W.A., s. 46
T., s. 25

lodged with the Commissioner, be published in the *Gazette* and in newspapers approved by the Commissioner, circulating in each State and Territory in which any company concerned has a registry, and, for a period of fifteen days after the publication of the notice, the scheme shall be open to inspection, at each registry of every company concerned, by any policy owners or shareholders affected by the scheme ;

- (c) the Commissioner may cause a report on the scheme to be made by an independent actuary, and shall cause a copy of the report to be sent to each of the companies concerned ;
- (d) any directions which are given by the Court, upon application made in that behalf, with respect to any proposed scheme, as to the publication of advertisements of schemes, the giving of notices to shareholders, or to policy owners or other creditors of the companies concerned, or as to the holding of meetings of any company affected, shall be complied with by the person to whom the directions are given ; and
- (e) copies of the scheme and of every report received by the Commissioner in accordance with the provisions of this sub-section or summaries of the scheme and reports approved by the Commissioner shall, unless the Court, upon application made in that behalf, otherwise directs, be transmitted by the companies concerned, at least fifteen days before application is made for confirmation of the scheme, to every policy owner of any class affected by the scheme.

(2.) An application to the Court for the confirmation of the scheme may be made by or on behalf of any company concerned, and an application to the Court with respect to any matter connected with a scheme or proposed scheme may be made, at any time before confirmation by the Court, by the Commissioner or by any person who in the opinion of the Court is likely to be affected by the scheme or proposed scheme.

(3.) Any person who in the opinion of the Court is likely to be affected shall be entitled to be heard on any application made to the Court under this section.

(4.) The Court may confirm the scheme, either without modification, or subject to such modifications as the companies concerned agree to, or may refuse to confirm the scheme.

(5.) The scheme, when confirmed by the Court, shall be binding on all persons, and shall have effect notwithstanding anything in the instruments constituting the company or in the articles of association

or other rules of the company, and the directors of any company affected by the scheme shall cause a copy of the scheme to be filed with the Registrar of Companies in every State or Territory in which the company carries on life insurance business.

(6.) All expenses incurred by the Commissioner in obtaining any actuary's report on the scheme shall be defrayed by the companies concerned, and any sum due in respect of those expenses may be recovered by the Commissioner summarily as a civil debt from the companies jointly.

76. Where the life insurance business carried on by a company is transferred to, or amalgamated with the life insurance business of, another company, the company to which the life insurance business is transferred, or the company carrying on the amalgamated life insurance business, as the case may be, shall, within one month after the completion of the transfer or amalgamation, lodge with the Commissioner—

Returns to be made in case of transfers or amalgamations.

- (a) certified copies of statements of the assets and liabilities of every company concerned in the transfer or amalgamation, together with a statement of the nature and terms of the transfer or amalgamation ;
- (b) certified copies of the scheme and of the agreement or deed under which the transfer or amalgamation was effected and a certified copy of the order of the Court confirming the scheme ;
- (c) certified copies of the actuarial or other reports upon which the scheme and the agreement or deed were founded ; and
- (d) a statutory declaration, made by the chairman of directors or by the principal officer of the company, fully setting forth every payment made or to be made to any person whatsoever on account of the transfer or amalgamation, and stating that to the best of his belief no other payment beyond those so set forth has been or is to be made in money, policies, bonds, valuable securities, property of any description or any other valuable consideration, by or with the knowledge of any parties to the transfer or amalgamation.

Imp. Act 1909, s. 14.
Eng. Bill 1927, Cl. 14.
V. 4602, s. 540.
Q., s. 31.
S.A., s. 33.
W.A., s. 49.
T., s. 26.

PART IV.—PROVISIONS RELATING TO POLICIES.

Division 1.—Issue of Policies.

77.—(1.) A company shall, if the Commissioner so requires, submit to the Commissioner any form of proposal or policy ordinarily used by the company in Australia, or any form of written matter ordinarily so used and describing the terms or conditions of, or the benefits to be or likely to be derived from, policies.

Certain forms to be submitted for approval.
N.Z. 1920, s. 8.

(2.) The Commissioner shall consider each form so submitted, and, if he is of opinion that the form is not in compliance with this Act, or contains anything likely to mislead a proponent or policy owner, he shall object to the form.

(3.) The Commissioner shall not object to any form until he has given the company an opportunity of being heard by him on the matter.

(4.) The Commissioner shall, in writing, notify the company of any objection taken by him to any form submitted.

(5.) A company shall not accept any proposal or issue any policy or written matter if the proposal, policy or written matter is in a form to which the Commissioner has objected under this section.

Premium
rates.

78.—(1.) A company shall not issue any policy unless the rate of premium chargeable under the policy is a rate which has been approved by an actuary as suitable for the class of policy to which that policy belongs.

(2.) The Commissioner may, at any time, require the company to obtain, and to furnish him with, a report by an actuary as to the suitability of the rate of premium chargeable under any class of policy issued by the company and, if the actuary considers that the rate is not suitable, a report as to the rate of premium which the actuary approves as suitable in respect of that class of policy.

(3.) Where any requirement is made under the last preceding sub-section in respect of the rate of premium chargeable under any class of policy, the company shall not issue any policy of that class until the company has, in accordance with the requirement, obtained the approval of the actuary to the rate of premium.

(4.) An actuary in approving a rate of premium in respect of any class of policy under this section shall have regard to the maximum rate of commission or rebate proposed to be paid or allowed to any person in respect of that class of policy.

Commissions
or rebates in
respect of
policies.

79. Where a rate of premium is approved by an actuary in respect of any class of policy the company shall not, except with the approval of an actuary or the Commissioner, pay or allow in respect of any policy of that class a commission or rebate at a rate greater than—

(a) the maximum rate of commission or rebate to which the first-mentioned actuary had regard when approving the rate of premium ; or

(b) the maximum rate of commission or rebate payable by the company, immediately prior to the commencement of this Act, in respect of policies of that class (if any) issued at the rate of premium so approved,

whichever is the greater.

Particulars as
to age of
person to be
insured.

80. A form of proposal shall be framed so as to require a person making a proposal for a life policy to specify the place and date of birth of the person whose life is proposed to be insured, and it shall be the duty of the person making the proposal to supply those particulars to the best of his knowledge and belief.

Notice
regarding proof
of age.

81. In respect of any life policy issued by a company after the commencement of this Act, the company shall, unless the age of the life insured has already been admitted by it, issue with the policy a printed notice stating that proof of age of the life insured may be required prior to the payment of the sum insured.

82.—(1.) If a company declines to accept the proof of age tendered in respect of a policy, whether issued before or after the commencement of this Act, the policy owner may apply to the Court, or to the Supreme Court or a County Court, District Court or Local Court of Full Jurisdiction of a State or Territory, by summons, for an order directing the company to accept the proof tendered.

(2.) On any such application, the court may make such order in relation to the application as it thinks just.

(3.) Every order under this section shall be binding on the company and shall be complied with on its part.

83.—(1.) A policy shall not be avoided by reason only of a mis-statement of the age of the life insured.

(2.) In the event of the true age as shown by the proofs being greater than that on which the policy was based, the company shall be entitled to vary the amount assured and vested bonuses (if any) payable under the policy so that they shall bear the same proportion to the amount assured and vested bonuses (if any) as the amount of premiums actually paid on the policy bears to the amount of premiums that ought to have been paid if there had been no mis-statement of age.

(3.) In the event of the true age as shown by the proofs being less than that on which the policy was based the company shall—

- (a) vary the amount assured and vested bonuses (if any) payable under the policy so that they shall bear the same proportion to the amount assured and the vested bonuses (if any) as the amount of premiums actually paid on the policy bears to the amount of premiums that ought to have been paid if there had been no mis-statement of age; or

at its option—

- (b) reduce the premium payable (if any) to the amount which would have been payable if there had been no mis-statement of age; and
- (c) repay to the policy owner the amount of all over-payments of premium less the amount of any cash value of bonuses which have been paid in respect of the policy in excess of the cash value that would have been paid if there had been no mis-statement of age.

84. A policy shall not be avoided by reason only of any incorrect statement (other than a statement as to the age of the life insured) made in any proposal or other document on the faith of which the policy was issued or reinstated by the company unless the statement—

- (a) was fraudulently untrue; or
- (b) being a statement material in relation to the risk of the company under the policy, was made within the period of three years immediately preceding the date on which the policy is sought to be avoided or the date of the death of the life insured, whichever is the earlier.

Procedure where company declines to accept proof of age.

Mis-statement of age.

Imp. Act 1923, s. 20 (4) (a).
V. 4602, s. 553.
Q., ss. 21, 26.

Incorrect statement in proposal not to avoid policy.

Imp. Act 1923, s. 20.
V. 4464, s. 2.
V. 4600, s. 3.

Minors.

Cf. Q. 1901, No. 20, s. 20.

N.Z. 1908, s. 75, 1920, s. 4.

85.—(1.) A minor who has attained the age of sixteen years may effect a policy upon his own life.

(2.) A minor who has attained the age of ten years but has not attained the age of sixteen years may, with the written consent of his parent or of a person acting *in loco parentis* of the minor, effect a policy on his own life.

(3.) Every minor who has attained the age of sixteen years shall be as competent in all respects to be a policy owner, and to have and to exercise all the powers and privileges of a policy owner in relation to the policy, as fully and effectually as if he were of full age :

Provided that the minor shall not be competent to assign or mortgage the policy without the consent in writing of his parent or of a person acting *in loco parentis* of the minor.

Insurable interest.

Ontario 1927, Ch. 222, s. 135.

86.—(1.) An insurable interest shall be deemed to be had by—

- (a) a parent of a child under twenty-one years of age, or a person *in loco parentis* of such a child—in the life of the child ;
- (b) a husband—in the life of his wife ;
- (c) a wife—in the life of her husband ;
- (d) any person—in the life of another upon whom he is wholly or in part dependent for support or education ;
- (e) a corporation or other person—in the life of an officer or employee thereof ; and
- (f) a person who has a pecuniary interest in the duration of the life of another person—in the life of that person.

(2.) This section shall apply to policies whether effected before or after the commencement of this Act.

(3.) This section shall not be construed to limit or restrict in any way the meaning of insurable interest as understood at the commencement of this Act.

Division 2.—Assignments and Mortgages of Policies.

Assignments of policies.

V. 4602, s. 556.

Q., s. 41.

S.A., ss. 22-23.

W.A., ss. 72-73.

T., s. 41.

87.—(1.) Subject to section ninety-one of this Act, every assignment of a policy made after the commencement of this Act shall be by memorandum of transfer endorsed upon the policy in accordance with the form set forth in the Fifth Schedule to this Act and signed by the transferor and the transferee, and no such assignment shall be valid until registered as provided in this section by the company liable under the policy.

(2.) Every such assignment shall be registered in a register to be provided by the company for that purpose, and the date of registration shall be inserted in the memorandum of transfer, which shall also be signed by the principal officer of the company or a person thereto authorized by him in writing.

(3.) The transferee under a duly registered assignment shall have all the powers and be subject to all the liabilities of the transferor under the policy, and may sue in his own name on the policy :

Provided that nothing in this section shall be construed to admit the transferee to membership of a company or to deprive the transferor of his membership in respect of a policy, except as provided in the instruments constituting the company or in its articles of association or other rules.

(4.) The receipt of the transferee shall be a discharge to the company for all moneys paid by the company under the policy.

(5.) Every such memorandum of transfer signed as provided in this section shall be conclusive evidence of its registration and of the date of registration.

(6.) Every such memorandum shall, as between the company and any person claiming any moneys under the policy, be conclusive evidence for all purposes that the transferee was at the time of registration the absolute owner of the policy, free from all trusts, rights, equities and interests (except liens or charges which the company has upon the policy), and legally entitled to receive and give a discharge for those moneys.

(7.) Any discharge or surrender of or security over the policy given to the company by the transferee shall be valid and effectual, notwithstanding the existence of any trust, right, equity or interest of any other person.

(8.) The company taking the discharge, surrender or security shall not be required or concerned to inquire or ascertain the circumstances in which or the consideration for which the transferee or any previous transferee became such transferee, or, except as provided by section eighty-nine of this Act be affected by express, implied or constructive notice of any trust, right, equity or interest.

88. If any policy is assigned by way of mortgage, or upon any trust, the mortgage or trust shall be effected by way of defeasance or declaration of trust by some separate instrument, and no notice of the mortgage or trust shall be entered on the memorandum of transfer or endorsed on the policy, and the company shall not, except as provided by the next succeeding section, be affected by express, implied or constructive notice of any such mortgage or trust.

Mortgages and trusts
V 4602, s. 557
Q., s. 42.
S.A., s. 24.
W.A., s. 74.
T., s. 42.

89.—(1.) Notwithstanding anything contained in the last two preceding sections, a company shall not be entitled to any protection under those sections or to rely upon any of the provisions of those sections if the company has not acted in good faith or has received express notice in writing of any trust, right, equity or interest of any person.

Effect of notice of trust.
Cf. V. 4602
s. 558

(2.) In case of the receipt of any such notice the company may if it thinks fit pay into the Court any moneys payable under the policy, and the receipt of the Principal Registrar or a Deputy Registrar of the Court for the moneys shall be a good and valid discharge to the company for the moneys so paid in.

(3.) The moneys shall be paid out to such person as the Court or any Justice of the Court orders.

Assignment or mortgage of industrial policy not valid without consent of company.

90.—(1.) Notwithstanding anything to the contrary in this Division, no assignment of an industrial policy made after the commencement of this Act shall be valid without the consent of the company liable under the policy.

(2.) If the company refuses its consent, the policy owner may appeal to the Commissioner whose decision shall be final.

Registration of policies held by trustees.

A.M.P 1941,
s. 5

91. Whenever a company is satisfied that a policy has been issued or transferred to any person as a trustee, and that provision is made in the trust for the retirement of trustees and for the appointment of new trustees in addition to or in place of the trustees for the time being, it shall be lawful for but not obligatory on the company, at the request in writing of the persons claiming to be the trustees for the time being of the policy, and on the evidence or a statutory declaration by one of those persons that they are the trustees for the time being of the policy duly appointed, to enter on the register the names of those persons as the owners of the policy, and thereupon the company may deal with those persons as the owners of the policy and their receipt shall be a valid discharge both at law and in equity for all moneys payable under the policy.

Division 3.—Protection of Policies.

Interest of insured protected in certain cases.

N.S.W., ss. 4–7.
V. 4602, s. 554.
Q., s. 18.
S.A., s. 7.
W.A., ss. 33–34.

92.—(1.) Subject to the *Bankruptcy Act* 1924–1933, the property and interest of any person in a policy effected (whether before or after the commencement of this Act) upon his own life shall not be liable to be applied or made available in payment of his debts by any judgment, order or process of any court.

(2.) In the event of a person whose life is insured dying after the commencement of this Act, the moneys payable upon his death under or in respect of a policy effected upon his life shall not, subject to the *Bankruptcy Act* 1924–1933, be liable to be applied or made available in payment of his debts by any judgment, order or process of any court, or by retainer by an executor or administrator, or in any other manner whatsoever, except by virtue of a contract or charge made by the person whose life is insured, or by virtue of an express direction contained in his will or other testamentary instrument executed by him that the moneys arising from the policy shall be so applied.

(3.) A direction to pay debts, or a charge of debts upon the whole or any part of the testator's estate, or a trust for the payment of debts, shall not be deemed to be such an express direction.

Insurance by married women.
Of. 45–46 VIct.,
c. 75 s. 11.
Q. 1901, No. 20,
s. 19.

93.—(1.) A married woman may effect a policy upon her own life or upon the life of her husband, for her separate use, and the policy and all benefits of the policy shall enure accordingly.

(2.) The protection of the last preceding section shall extend to any such policy *bona fide* effected by a married woman.

94.—(1.) Subject to the *Bankruptcy Act* 1924–1933, a policy effected (whether before or after the commencement of this Act) by any man upon his own life, and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or any of them, or by any woman upon her own life, and expressed to be for the benefit of her husband, or of her children, or of her husband and children, or any of them, shall create a trust in favour of the objects named in the policy, and the moneys payable under any such policy shall not, so long as any object of the trust remains unperformed, form part of the estate of the person whose life is insured, or be subject to his or her debts.

Family
insurance
policies.

N.S.W., ss. 8 & 9
Q., s. 19

(2.) The person whose life is insured may by the policy, or by any memorandum under his or her hand, appoint trustees of the moneys payable under the policy, and from time to time appoint new trustees of the moneys, and may make provision for the appointment of new trustees of the moneys, and for the investment of the moneys payable under the policy.

(3.) Subject to the next succeeding sub-section, if at any time there is no trustee, the policy shall vest in the person whose life is insured, and his personal representatives, in trust for the purposes referred to in, and subject to, sub-section (1.) of this section.

(4.) If, at any time, there is no trustee and the policy is not vested in any person in pursuance of the last preceding sub-section and it is expedient to appoint trustees or new trustees, trustees or new trustees may be appointed by the Court.

(5.) The receipt of a trustee or, if there is no trustee or in default of notice to the company of the existence of a trustee, the receipt of the person whose life is insured or of his personal representative, shall be a discharge to the company for the sum payable under the policy, or for the value of the policy, in whole or in part.

(6.) Any trustee or, if there is no trustee or in default of notice to the company of the existence of a trustee, the person whose life is insured or his personal representative may vary the terms of the policy in any manner permitted by the company, surrender the policy in whole or in part, or borrow money upon the policy, and any money obtained by any such variation, surrender or borrowing shall be subject to the same trusts as those upon which the policy was or is held.

Division 4.—Paid-up Policies, Surrender Values and Non-forfeiture.

95.—(1.) The provisions of this Division, other than this section, shall not apply to—

Application of
Division.

V. 4747, s. 2

- (a) an instrument securing the grant of an annuity for a term dependent upon human life, not being a deferred annuity during the period of deferment; or

- (b) a policy which provides insurance against contingencies none of which may happen, not being a policy which provides for the payment of a sum of money if the life insured by the policy survives a specified period.

V. 4747, s. 8.

(2.) The Governor-General may, on the recommendation of the Commissioner, by regulation declare that the provisions of this Division shall apply in respect of any policy or class of policies with such modifications as are declared in the regulation, and the provisions of this Division shall apply in respect of that policy or class of policies accordingly.

Paul-up
policies.

V. 4608, ss. 4-5
V. 4747, s. 5

96.—(1.) A policy owner who desires to discontinue further premium payments on a policy on which not less than three years' premiums have been paid in cash, shall, on application to the company, be entitled to receive, in lieu of that policy, a paid-up policy, for an amount not less than that determined in accordance with the Rules in that behalf set out in Part I. of the Sixth Schedule.

(2.) The paid-up policy shall be payable upon the happening of the contingency upon the happening of which the amount insured under the original policy would have been payable.

Surrender of
policies.

V. 4608, s. 6.
V. 4747, s. 6.

97.—(1.) The owner of a policy which has been in force for at least six years, shall, on application to the company, be entitled to surrender the policy and to receive not less than the surrender value of the policy less the amount of any debt owing to the company under, or secured by, the policy.

(2.) In the application of the last preceding sub-section to a paid-up policy which has been issued in lieu of another policy, the period of six years shall be calculated from the date of issue of the original policy.

Calculation of
surrender
values.

V. 4608, s. 6.
V. 4747, s. 6.

98. For the purposes of this Division the surrender value of a policy shall be the amount calculated in accordance with the Rules in that behalf set out in Part II. of the Sixth Schedule.

Relaxation of
obligations as
to surrender
values.

V. 4608, s. 7.
V. 4747, s. 7.

99. The Commissioner may, on application by a company, if, in his opinion, the payment in cash of surrender values as required by this Division would be prejudicial to the financial stability of the company or to the interests of the policy owners of that company, suspend or vary, for such period and subject to such conditions as the Commissioner thinks fit, the obligation of the company to pay those surrender values.

Non-forfeiture
of ordinary
policies in
certain cases on
non-payment of
premiums.

V. 4747, s. 3.

100.—(1.) An ordinary policy shall not be forfeited by reason only of the non-payment of any premium (in this section referred to as "the overdue premium") if—

(a) not less than three years' premiums have been paid in cash on the policy; and

(b) the surrender value of the policy (calculated as at the day immediately preceding that on which the overdue premium falls due) exceeds the sum of the amount of the debts owing to the company under, or secured by, the policy, and the amount of the overdue premium.

(2.) The company may, until payment of the overdue premium, charge compound interest on it, on terms not less favorable to the policy owner than such terms (if any) as are prescribed.

(3.) The overdue premium and any interest charged on it under this section and unpaid shall for the purposes of this Act be deemed to be a debt owing to the company under the policy.

(4.) Without affecting the generality of the foregoing provisions of this section, an ordinary policy on which not less than three years' premiums have been paid in cash shall not be forfeited by reason only of the non-payment of a premium unless, on or after the day on which the premium fell due—

(a) the company liable under the policy serves a notice on the policy owner stating—

(i) the amount due or payable to the company at the date of the notice in respect of the policy; and

(ii) that the policy will be forfeited at the expiration of twenty-eight days after the date of the notice if a sufficient sum is not paid to the company in the meantime; and

(b) a period of at least twenty-eight days has elapsed after the service of the notice.

101.—(1.) An industrial policy on which less than one year's premiums have been paid shall not be forfeited by reason only of the non-payment of any premium unless the premium has remained unpaid for not less than four weeks after it became due.

Non-forfeiture
of industrial
policies in
certain cases on
non-payment
of premiums.
V. 4808, ss. 3, 5.

(2.) An industrial policy on which not less than one year's but less than two years' premiums have been paid shall not be forfeited by reason only of the non-payment of any premium, unless the premium has remained unpaid for not less than eight weeks after it became due.

(3.) An industrial policy on which not less than two years' premiums have been paid shall not be forfeited by reason only of the non-payment of any premium, unless the premium has remained unpaid for not less than twelve weeks after it became due.

(4.) In the event of an industrial policy on which not less than three years' premiums have been paid being forfeited by reason of the non-payment of any premium, the company shall, without requiring any application from the policy owner, grant a paid-up policy for an amount not less than that calculated in accordance with the Rules in that behalf set out in Part I. of the Sixth Schedule.

(5.) The paid-up policy shall be payable upon the happening of the contingency upon the happening of which the amount insured under the original policy would have been payable.

(6.) The company shall notify the policy owner in writing of the fact that the paid-up policy has been granted and shall specify the amount of the policy and the contingency upon which the policy is payable.

Treatment of
debts on grant
of paid-up
policies.

102. Where in pursuance of any provision of this Division a policy owner is entitled to receive, or a company is required to grant, a paid-up policy and there is any debt owing to the company under or secured by the policy, the company may elect—

- (a) to treat the debt so owing as a debt secured by the paid-up policy, and thereupon the paid-up policy shall be a security for the debt so owing; or
- (b) in the ascertainment of the amount of the paid-up policy, to reduce the amount by taking into account, upon a basis approved by the Commissioner, the debt so owing to the company, and thereupon the debt shall cease to be owing to the company.

Division 5.—Payment of Policy Moneys.

Probate or
administration
may be
dispensed with
in certain cases.
V. 4802, s. 555.
Q., s. 39.
S.A., s. 71.
W.A., s. 70
T., s. 39

103.—(1.) In any case in which the moneys payable under any policy or policies insuring in the aggregate an amount not exceeding Five hundred pounds exclusive of bonus additions are payable to the personal representative of any deceased person, the company, without requiring the production of any probate or letters of administration, may pay the moneys, together with any bonus which has been added to the policy or policies, to any person who is the husband, wife, father, mother, child, brother, sister, nephew or niece of the deceased person, or to any person who satisfies the company that he is entitled to the property of the deceased person under his will or under the law relating to the disposition of the property of deceased persons or that he is entitled to obtain probate of the will of the deceased person, or to take out letters of administration of his estate.

(2.) The company making any such payment shall be thereby discharged from all further liability in respect of the moneys payable under the policy or policies.

(3.) All persons to whom any such moneys are paid shall apply those moneys in due course of administration and, if the company thinks fit, it may require those persons to give sufficient security by bond or otherwise that the moneys so paid will be so applied.

Company not
bound to see to
application of
moneys paid
by it.

104. A company shall not in any circumstances be bound or concerned to see to the application of any moneys paid by the company in respect of any policy.

Q., s. 43.
S.A., s. 72.
W.A., s. 71.
T., s. 40.

105.—(1.) A company may, subject to any Rules of Court in that behalf, pay into the Court any moneys payable by the company in respect of a policy for which, in the opinion of the company, no sufficient discharge can otherwise be obtained.

Power to pay
money into
Court.

Cf. 59 Vict., c. 8,
s. 3, 4.
Q., s. 40.

(2.) The receipt of the Principal Registrar or a Deputy Registrar of the Court for the moneys shall be a good and valid discharge to the company for the moneys so paid in, and the moneys shall, subject to the Rules of Court, be dealt with according to the order of the Court.

Unclaimed
moneys.

106.—(1.) Every company shall, within three months after the thirty-first day of December in each year, deliver to the Treasurer a statement of all unclaimed moneys.

(2.) The statement shall set forth, in respect of each policy to which the statement refers, the name of the person whose life is insured, the name of the policy owner (if known), their last-known addresses, the amount due, the date upon which it became due and the State or Territory in which the policy is registered.

(3.) The total amount shown in the statement shall be paid by the company to the Treasurer at the time of the delivery of the statement.

(4.) After the payment to the Consolidated Revenue Fund of any unclaimed moneys, the Treasurer may pay to any person to whom any amount of those moneys was due by the company the amounts so due.

(5.) Upon payment to the Treasurer of any amount as required by this section the company shall be held to be discharged from further liability for the amount so paid.

(6.) The Consolidated Revenue Fund is hereby appropriated for the purposes of, and to the extent necessary to give effect to, sub-section (4.) of this section.

(7.) Particulars of every sum not less than Ten pounds included in the statement mentioned in this section shall be published by the Treasurer in the *Gazette*.

(8.) A company shall not contravene or fail to comply with any provision of this section which is applicable to it.

Penalty : One hundred pounds.

(9.) For the purposes of this section, " unclaimed moneys " means all sums of money whatsoever which after the commencement of this Act become legally payable by a company in respect of policies but in respect of which the time within which proceedings may be taken for their recovery has expired, and includes all sums of money payable on the maturity, after the commencement of this Act, of an endowment policy or endowment insurance policy which are not claimed within seven years after the maturity date of the policy.

107. Where a claim arising under a policy is paid, no deductions shall, except with the consent in writing of the claimant, be made on account of premiums or debts due to the company under any other policy.

No deductions
in respect of
other policies
Imp. Act 1923
s. 27.

Division 6.—Payments on Death of Children under Ten Years of Age.

108. In this Division, unless the contrary intention appears—

" Register of Deaths " means any register kept in any State or Territory under any law for the registration of deaths in force in that State or Territory ;

" registered medical practitioner " means any person who, under the law of any State or Territory, is a legally qualified medical practitioner in that State or Territory ;

" Registrar of Deaths " means any person authorized by the law of any State or Territory relating to the registration of deaths to issue certificates of death in that State or Territory ;

Definitions
No. 12, 1905
s. 1.

“repayment of premiums” means repayment, either with or without interest, simple or compound, at a rate not exceeding Four pounds per centum per annum, to the person effecting a policy, or to his executors, administrators or assigns, of the whole or part of the premiums paid in respect of the policy.

Limitation of
amount payable
on death of
children.
No. 12, 1905,
s. 2.

109. A company shall not, by any policy effected on the life of a child, contract to pay on the death of the child under ten years of age any sum of money (apart from repayment of premiums) which, added to any amount payable (apart from repayment of premiums) on the death of the child under ten years of age by any other company or by any friendly society, exceeds the amount specified in the Seventh Schedule and applicable to the case (in this Division referred to as “the amount payable under the Seventh Schedule”).

Production of
prescribed
certificate of
death.
Ibid. s. 3.

110. A company shall not pay any sum (apart from repayment of premiums) on the death of a child under ten years of age, except upon production of a certificate of death issued by a Registrar of Deaths and containing the particulars mentioned in this Division.

Certificates of
death.
Ibid. s. 4.

111.—(1.) Where application is made for a certificate of the death of a child for the purpose of obtaining from a company a sum of money (apart from repayment of premiums), the name of the company and the sum sought to be obtained from the company shall be stated to the Registrar of Deaths.

(2.) The Registrar of Deaths shall write on or at the foot of the certificate the words “To be produced to the _____ company [naming company] said to be liable for the payment of the sum of _____ [stating the sum]”.

(3.) All such certificates of the same death shall be numbered in consecutive order.

(4.) A Registrar of Deaths shall not issue any one or more certificates of death of a child under the age of ten years for the payment in the whole of any sum of money exceeding the amount payable under the Seventh Schedule.

(5.) A Registrar of Deaths shall not issue any such certificate unless—

- (a) the cause of death has been previously entered in the Register of Deaths on the certificate of a coroner or of a registered medical practitioner who attended the deceased child during its last illness ;
- (b) a certificate under the hand of a registered medical practitioner of the probable cause of death is produced to him ; or
- (c) other satisfactory evidence of the cause of death is furnished to him.

(6.) A company to which is produced a certificate which does not purport to be the first of the death of a child under the age of ten years shall, before paying any money on the death, inquire whether any and what sums of money have been paid on the same death by any other company or friendly society.

112. It shall be an offence against this Act—

Offences and
penalties.
No. 12, 1905,
s. 6.

- (a) if a company pays any money on any policy taken out after the commencement of this Act on the death of a child under ten years of age otherwise than as allowed by this Division ;
- (b) if a person claiming money (apart from repayment of premiums) on the death of a child under ten years of age produces a certificate of the death other than as provided in this Division to the company from which the money is claimed, or produces a false certificate or one fraudulently obtained, or in any way attempts to defeat the provisions of this Division ; or
- (c) if in a policy issued by a company after the commencement of this Act, insuring payment of a sum of money (apart from repayment of premiums) on the death of a child under ten years of age, it is not set forth that the total sum recoverable as insurance moneys or other benefits from any one or more companies or friendly societies on the death of the child under ten years of age (apart from repayment of premiums) does not exceed the amount payable under the Seventh Schedule.

Penalty : Fifty pounds.

113. None of the preceding sections of this Division shall apply to any policy on the life of a child when the person effecting the insurance has an insurable interest (apart from the provisions of paragraph (a) of sub-section (1.) of section eighty-six of this Act) in the life of the child.

Saving as to
insurable
interest.
Ibid. s. 5.

Division 7.—Children's Advancement Policies.

114.—(1.) In this Division, unless the contrary intention appears—

Definitions.
A.M.P. 1941,
s. 6.

“child's advancement policy” means a policy effected, before a child has attained the age of twenty-one years, by a person other than the child, under which one or both of the following provisions is or are made :—

- (a) provision for payment of a sum to the executors, administrators or assigns of the child on his death after attaining the vesting age ;
- (b) provision for payment of a sum to the child or his assigns on his attaining an age not less than the vesting age.

either with or without provision for repayment of premiums, within the meaning of section one hundred and eight of this Act, in the event of the death of the child before attaining the vesting age ;

“ vesting age ” means—

- (a) the age of twenty-five years ; or
- (b) an age (not less than ten years) on and after the attainment of which by the child it is specified in the policy that sums payable in respect of the policy by the company which issued it shall be paid to the child or his executors, administrators or assigns,

whichever is the earlier.

(2.) For the purposes of this section, and of section one hundred and sixteen of this Act, the specifying in a policy of a date, without specifying the age of the child at that date, shall be deemed to be a specifying of the age of the child at that date.

Child's
advancement
policy not void
for want of
insurable
interest

115. A child's advancement policy effected either before or after the commencement of this Act shall not be deemed to be void by reason only that the person effecting the policy had not at the time the policy was effected an insurable interest in the life of the child.

Property in
child's
advancement
policy.
A.M.P. 1941,
s. 6.

116.—(1.) The provisions of this section shall apply to every child's advancement policy, whether effected before or after the commencement of this Act, unless (in the case of a policy effected by a parent or a person *in loco parentis* of the child) it is expressly provided in the policy that this section shall not apply to it.

(2.) Subject to sub-section (4.) of this section, the policy shall, unless and until the child attains the vesting age, be the absolute property both at law and in equity of the person effecting the policy or his assigns, and that person or his assigns, shall, unless and until the child attains the vesting age, be competent, and in the case of a policy effected before the commencement of this Act be deemed to have been competent, to alienate, mortgage, charge, surrender, vary or otherwise deal with the policy in any way whatever.

(3.) Where a child whose life is insured under any child's advancement policy has, whether before or after the commencement of this Act, attained the vesting age, the policy shall be deemed to have been or, as the case may be, shall become, as on and after the date on which the child attained the vesting age, the absolute property of the child both at law and in equity, subject—

- (a) to any debt owing to the company under, or secured by, the policy ;
- (b) to any dealing done, prior to the attainment by the child of the vesting age, by the owner of the policy ; and
- (c) to any dealing done, after the attainment by the child of the vesting age and prior to the commencement of this Act, by the owner of the policy.

(4.) On the death or bankruptcy, during the child's lifetime and before he attains the vesting age, of the owner of the policy, the executors, administrators, official receiver or trustee in bankruptcy of the owner of the policy as the case may be (in this sub-section referred to as "the representative") shall, subject to any dealings other than testamentary by the owner of the policy before his death or bankruptcy, hold the policy in trust for the child until he attains the vesting age, or dies before attaining the vesting age and the representative shall have power at his discretion to alienate, mortgage, charge, surrender, vary or otherwise deal with the policy and apply the proceeds as he thinks fit for the maintenance or benefit of the child and the upkeep of the policy, and the company issuing the policy shall be under no obligation to see to the application of the proceeds, and in the event of the death of the child before attaining the vesting age, the moneys payable under the policy shall be applied in like manner as if this sub-section were not in force.

(5.) Nothing in this section shall invalidate any payment made before the commencement of this Act in respect of a child's advancement policy if the payment, but for this Act, would have been valid.

Division 8.—General.

117.—(1.) A company shall have in each State in which it carries on life insurance business at least one office (in this Act referred to as a "registry") in which it shall keep a register of policies.

(2.) A company may have one or more registries in each Territory in which it carries on life insurance business.

(3.) A company shall have a representative in charge of each registry.

(4.) Notice in writing of the situation of each registry and of the name of the representative in charge of each registry shall be lodged with the Commissioner.

(5.) Whenever any change takes place in the situation of a registry or in the identity of a representative in charge of a registry, notice in writing of the change shall be lodged with the Commissioner.

118.—(1.) Every policy existing at the commencement of this Act, under which the liability of a company is payable in Australia, shall as at that commencement be registered by the company in a register kept at a registry in Australia.

(2.) Every policy issued by a company in Australia after the commencement of this Act shall immediately after issue be registered by the company in a register—

(a) at a registry in the State or Territory in which the policy owner resides, or in the event of the policy owner residing in a Territory where the company has no registry, at such registry in Australia as the policy owner elects; or

(b) at such other registry as is agreed upon by the company and policy owner.

(3.) Unless otherwise agreed by the company and the policy owner, all moneys payable in respect of a policy shall be payable at the registry at which it is for the time being registered.

Registries and
Registers.

V. 4602, ss.

560-565.

Q., ss. 45-46. ²

S.A., ss. 17-20.

W.A., ss. 78-81

Registration
of policies.

(4.) A policy on any register at a registry of a company in Australia shall, at the request in writing of the policy owner, be transferred by the company to a register at any other registry in Australia.

(5.) Any policy may, at the request in writing of the policy owner and with the consent of the company, be transferred from a register outside Australia to a register in Australia, or from a register in Australia to a register outside Australia.

(6.) All expenses incurred in connexion with any transfer of a policy in pursuance of either of the last preceding sub-sections shall be borne by the policy owner.

(7.) For the purposes of this and the last preceding section, a register of policies kept by a company shall be deemed to be in or at a registry if it is kept, in respect of that registry, at the head office of the company in Australia.

Lost policy.

N.S.W., ss.
11-13.
V. 4602, s. 566.
Q., s. 44.
S.A., ss. 8-16.
W.A., s. 77.
T. 1906, ss. 4-10.

119.—(1.) If the owner of a policy claims that the policy is lost or has been destroyed, the company liable under the policy may, upon application by the policy owner and upon such evidence of loss or destruction as the company deems sufficient, issue to the policy owner a special policy in substitution for that policy.

(2.) Every special policy shall be a copy, as nearly as can be ascertained, of the policy for which it has been issued in substitution, shall contain copies of every endorsement on the policy registered by the company, and shall state the reason for the issue of the special policy.

(3.) Before issuing a special policy the company shall, if the amount insured exceeds One hundred pounds, give at least one month's notice of its intention so to do—

- (a) in at least one newspaper circulating in the State or Territory in which the policy is registered; and
- (b) in at least one newspaper circulating in the neighbourhood where the policy owner resides or in at least one newspaper circulating in the district in which the policy is considered by the company to have been lost or destroyed.

(4.) The expenses of the advertisement and all other costs of the issue of a special policy shall be paid by the policy owner at the time of application.

(5.) The fact of the issue of a special policy, with the reason for its issue, shall be recorded by the company in the appropriate register of policies.

(6.) Every special policy shall be valid and available for all purposes for which the policy for which it has been issued in substitution would have been valid and available, and after the issue of the special policy, the policy for which it has been issued in substitution shall be void.

(7.) If the company fails to issue a special policy within six months after receipt of application in writing from the policy owner, the Court, or the Supreme Court or a County Court, District Court or Local Court of Full Jurisdiction of a State or Territory, may, upon application by summons, and upon such evidence as to the loss or

destruction of the policy as the court deems sufficient, order the company, upon such terms and within such time as the court thinks fit, to issue a special policy.

(8.) If the owner of a special policy claims that the policy is lost or has been destroyed, the provisions of this section shall apply as if the special policy were an original policy issued by the company.

120. A policy shall not be avoided merely on the ground that the person whose life is insured died by his own hand or act, sane or insane, or suffered capital punishment, if, upon the true construction of the policy, the company has thereby agreed to pay the sum insured in the events that have happened.

Effect of suicide or capital punishment on policy.

N.S.W. 1938, s. 2.
V. 4660, s. 2.
S.A., s. 72A.

121. Any term or condition of a policy issued after the commencement of this Act which limits, to an amount less than the sum insured, the amount payable under the policy in the event of the death of the life insured occurring on war service, shall not have any force or effect, unless the person who effected the policy agreed in writing to the insertion in the policy of that term or condition.

Condition as to war risk void.

122. Failure on the part of a company to comply with any provision of this Act shall not in any way invalidate any policy issued by the company.

Offences by company not to invalidate policies.

PART V.—PROVISIONS RELATING TO INDUSTRIAL INSURANCE BUSINESS.

123.—(1.) If, within twenty-eight days after the delivery of an industrial policy by a company to the policy owner or, at the place of abode of the policy owner, to some other person who is an inmate of that place apparently not less than sixteen years of age and by whom any premium in respect of the policy is paid on behalf of the policy owner, the policy owner returns the policy to the company with an objection in writing to any term or condition of the policy, the company shall forthwith refund any premium which has been paid in respect of the policy which shall thereupon be cancelled.

Objection to policies.

V. 4773, s. 8.

(2.) Where an industrial policy is sent by post by a company to the person to whom it is issued, it shall, unless the contrary is proved, be deemed to have been delivered to him at the time at which it would reach him in the ordinary course of post.

(3.) For the purposes of this section, a policy shall be deemed to have been returned to a company with an objection if the policy and the writing specifying the objection are posted for transmission to the company by registered letter.

124. If at any time a company which carries on industrial insurance business, or any person authorized by such a company, takes possession of an industrial policy or premium receipt book or other document issued in connexion with the policy, a receipt for the policy, book or document shall be given to the person from whom it was received, and the policy, book or document shall be returned

Return of industrial policies and premium receipt books after inspection.

Imp. Act 1923, s. 22.
V. 4773, s. 7.

to the owner of the policy on demand at any time after the expiration of twenty-eight days, unless—

- (a) it is required for the purposes of evidence in legal proceedings ;
- (b) the policy has been terminated by reason of the satisfaction of all claims capable of arising under it ; or
- (c) in the case of a policy, the company is entitled to retain the policy as security for money owing to the company by the policy owner.

Penalties for falsifications.
Cf. 13 & 14,
Geo. 5, c. 8,
s. 40.

125. If any person wilfully makes, or orders or allows to be made, any entry or erasure in, or omits any entry, or orders or allows any entry to be omitted, from, a collecting book or premium receipt book, with intent to falsify the book, or to evade any of the provisions of this Act, he shall be guilty of an offence.

Penalty : Fifty pounds or imprisonment for three months.

As to avoidance of policy by reason of particulars in proposal written or filled in by agent or servant of company.
Imp. Act 1923,
s. 20 (4).
V. 4773, s. 8.

126.—(1.) Where any agent or servant of a company writes or fills in or has before the commencement of this Act written or filled in any particulars in a proposal for an industrial policy with the company, then, notwithstanding any agreement to the contrary between the proponent and the company, any policy issued in pursuance of the proposal shall not be avoided by reason only of any incorrect or untrue statement contained in any such particulars so written or filled in unless the incorrect or untrue statement was in fact made by the proponent to the agent or servant for the purposes of the proposal.

(2.) The burden of proving that any such statement was so made shall lie upon the company.

(3.) Nothing in this section shall be deemed to allow of the avoidance of any policy for any reason or in any circumstances for or in which the policy could not have been avoided apart from the provisions of this section.

Particulars to be set forth in policies.
V. 4773, s. 4.

127.—(1.) Every industrial policy issued by a company after the commencement of this section shall contain an endorsement in distinctive type setting forth—

- (a) whether the policy is or is not a participating policy ; and
- (b) a short statement in a form approved by the Commissioner as to—
 - (i) the right of the policy owner to be granted a paid-up policy ;
 - (ii) the right of the policy owner to surrender his policy and to receive in cash the surrender value of the policy ; and
 - (iii) the forfeiture of the policy.

(2.) This section shall come into operation on a day (not being less than six months or more than twelve months after the commencement of this Act) to be fixed by Proclamation.

128.—(1.) A company shall, in respect of each industrial policy issued by the company, issue to the policy owner a premium receipt book in conformity with the provisions of this section—

*Issue of
premium
receipt books
V. 4773, s. 5.*

(a) where the policy was issued before or is issued within the period of twelve months next after the commencement of this Act—before the expiration of that period of twelve months ; or

(b) where the policy is issued after the expiration of that period of twelve months—at the time of the issue of the policy :

Provided that the company may, if the policy owners concerned do not object—

(i) issue one premium receipt book in respect of two or more policies if held by the same policy owner or by two or more policy owners who are members of the same household ; or

(ii) add the endorsements and entries required by this section in respect of any policy to the premium receipt book issued in respect of any earlier policy held by the same policy owner or by a member of the same household.

(2.) After the expiration of the period of twelve months next after the commencement of this Act a company shall not issue or permit to be used one premium receipt book in respect of two or more policies held by different policy owners not members of the same household.

(3.) Any premium receipt book issued to a policy owner by a company, whether before or after the commencement of this Act, shall, if it conforms to the provisions of this section or if it is amended to conform with those provisions and returned to the policy owner within the period of twelve months next after the commencement of this Act, be deemed to be a premium receipt book issued in accordance with the provisions of this section.

(4.) Every premium receipt book issued by a company shall contain in respect of each policy to which it relates—

(a) an endorsement in distinctive type of the particulars referred to in paragraphs (a) and (b) of sub-section (1.) of the last preceding section ;

(b) an entry made by the company of the following matters :—

(i) The surname and initials of the policy owner and, where the policy is issued in respect of the life of a person other than the policy owner, the surname and initials of that person ;

(ii) The date and number of the policy ; and

(iii) The amount of the weekly or other periodical premium ; and

(c) a notice stating that proof of age may be required prior to payment of the sum insured.

129.—(1.) Every payment in respect of premiums under an industrial policy made to an agent or servant of the company shall be recorded by the agent or servant in the premium receipt book so as clearly to indicate the date to which premiums have been paid in respect of the policy or policies to which the premium receipt book relates, and the record shall be signed by the agent or servant with his usual signature.

*Premium
receipt book
to show date
to which
premiums
paid, &c.
Ibid. s. 6.*

(2.) Where a premium receipt book relates to more than one policy and any payment for premiums on the policies is made which is less than the aggregate of the weekly or other periodical premiums in respect of all those policies, the person making the payment shall be required by the agent or servant of the company to whom the payment is made to state the policy or policies in respect of which no payment or an insufficient payment is made, and the agent or servant shall clearly record in the premium receipt book the fact stated, and unless, before any further premiums are paid, the amount of the deficiency is paid, the company shall cause a separate premium receipt book in conformity with the provisions of the last preceding section to be issued in respect of any policy in relation to which the deficiency exists and shall cause the particulars and entry in the first-mentioned premium receipt book relating to any such policy to be cancelled.

Guarantor not to be liable to refund commissions on lapsed policies.
V. 4773, s. 9.

130. Any provision in any agreement (whether made before or after the commencement of this Act) whereby the guarantor of an agent of any company is or may be required to pay to the company the amount of any commissions repayable by the agent on account of lapsed industrial policies shall be void.

Production of company's certificate as to agent's or guarantor's indebtedness not to be conclusive evidence thereof.
Ibid. s. 10.

131.—(1.) Any provision in any agreement made after the commencement of this Act whereby the production in any legal proceedings of a certificate signed by an officer or servant of the company may be deemed to be conclusive evidence of the indebtedness or the amount of the indebtedness to the company of any agent or of any guarantor of an agent shall be void.

(2.) Any such provision in any agreement made before the commencement of this Act shall be read and construed so as to make the certificate to which the provision relates *prima facie* evidence only of the indebtedness or the amount of the indebtedness to which it refers.

Establishment of Commonwealth Government Insurance Office.
Incorporation.

PART VI.—COMMONWEALTH GOVERNMENT INSURANCE OFFICE.

132. The Governor-General may establish an insurance office to be known as the Commonwealth Government Insurance Office.

133.—(1.) The Commonwealth Government Insurance Office shall be a body corporate with perpetual succession and a common seal, and may hold land, and may sue and be sued, in its corporate name.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commonwealth Government Insurance Office affixed to any document or notice and shall deem that it was duly affixed.

Management and operations.

134.—(1.) The Commonwealth Government Insurance Office—

(a) may carry on life insurance business and such other kinds of insurance business as are prescribed ;

(b) shall develop and expand the business carried on by it ;
and

(c) in relation to its management and operations and the carrying on of its business—

(i) shall have and may exercise such powers ;

- (ii) shall have and perform such duties ; and
- (iii) shall have such privileges, rights and remedies,
as are prescribed.

(2.) The management, operations and business of the Commonwealth Government Insurance Office shall, subject to this Part, be carried on in accordance with such regulations, in relation to those matters or any of them, as are made under this Act.

(3.) The Commissioner shall not be an officer of the Commonwealth Government Insurance Office.

135.—(1.) There shall be established under section sixty-two A of the *Audit Act* 1901–1934 such Trust Accounts as are necessary for the purposes of the Commonwealth Government Insurance Office. Finance.

(2.) There may be paid to the credit of any such Trust Account such moneys as are prescribed.

136. Every policy of insurance issued by the Commonwealth Government Insurance Office shall, by virtue of this section, be guaranteed by the Commonwealth. Guarantee by Commonwealth.

137.—(1.) Subject to this section, the Commonwealth Government Insurance Office shall not be liable to pay taxes imposed by or under any law of the Commonwealth or of any State or Territory, but that Office shall pay to the Treasurer such sums as are determined by the Treasurer to be equivalent to the amount of the taxes which it would be liable to pay if it were a company. Taxation.

(2.) The Commonwealth Government Insurance Office shall be liable to pay such stamp duties imposed by or under any law of the Commonwealth or of any State or Territory as it would be liable to pay if it were a company.

(3.) The Commonwealth Government Insurance Office shall be liable to make such contributions as it would be liable, if it were a company, to make under any law of any State or Territory relating to fire brigades.

138. The provisions of this Act except those relating to the registration of companies, the judicial management of companies and the winding-up of companies and except such other provisions as are prescribed, shall apply with such alterations as are necessary to and in relation to the Commonwealth Government Insurance Office in like manner as if it were a company. Provisions of Act to apply to Commonwealth Government Insurance Office.

PART VII.—MISCELLANEOUS.

139.—(i.) A person shall not publish in respect of any company or in respect of a company proposed to be formed after the commencement of this Act a prospectus, notice, circular, advertisement or other invitation offering to the public for subscription any shares in the company or proposed company, unless the prospectus, notice, circular, advertisement or other invitation is first submitted to and approved by the Commissioner. Issue of capital by companies

(2.) A person acting as promoter of any such proposed company shall not accept any office of profit in the company or any payment or pecuniary advantage other than as provided in any such prospectus, notice, circular, advertisement or other invitation.

Voting by post.

140.—(1.) Notwithstanding anything contained in the instruments constituting, or in the articles of association or other rules of, any company not having shareholders, the company shall, within one year after the commencement of this Act, make arrangements for—

- (a) the establishment of a postal voters' roll in relation to voting in contested elections of directors of the company or on questions as to the alteration of the instruments constituting the company or of the articles of association or other rules of the company ;
- (b) the enrolment on the postal voters' roll of any member of the company entitled to vote in such elections or on such questions who applies to be so enrolled ;
- (c) the voting by post in any such election or on any such question by every member so enrolled ; and
- (d) the making of inspections of the postal voters' roll and the taking of copies of, or extracts from, the roll, on and after the close of nominations and before the close of the voting in any such election, by any person nominated for election as a director of the company,

and all regular votes of members given in pursuance of any such arrangements shall be valid and effectual for all purposes.

(2.) Where a member of a company enrolled on the postal voters' roll of the company fails to exercise his right to vote by post on three consecutive occasions on which he is entitled so to vote, the company may remove his name from the roll, but the member shall be eligible for re-enrolment.

Inspection of documents.

Cf. 9 Ed. 7,
c. 49, s. 20 ;
Q. 1901, No. 20,
s. 48.

141. Any person may, upon payment of such fee as is prescribed, inspect at an office of the Commissioner any document furnished to the Commissioner under sub-section (2.) of section fifty-two of this Act, and make a copy of, or extract from, the document.

Documents to be received in evidence.

Cf. 9 Ed. 7,
c. 49, s. 21 ;
Q. 1901, No. 20,
s. 49.

142. Every document purporting to be certified by the Commissioner to be a document lodged with him under the provisions of this Act, and every document purporting to be similarly certified to be a copy of such a document, shall be deemed to be such a document or copy, as the case may be, and shall be received in evidence as if it were the original document, unless some variation between it and the original document is proved.

Publication of authorized, subscribed and paid-up capital.

Cf. 9 Ed. 7,
c. 49, s. 12.

Modification of Schedules.

V. 4602, s. 534.
Q., s. 14
S.A., s. 51.
W.A., s. 22.
T., s. 20.

143. Where any notice, advertisement or other official publication of a company contains a statement of the amount of the authorized capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid-up.

144.—(1.) The Commissioner may, in relation to any company, approve of the use of any of the forms in, or the application of any of the provisions of, any of the first three Schedules, with such

modifications as he thinks fit, provided he is satisfied that, notwithstanding the modifications, the purpose of those Schedules will be substantially fulfilled.

(2.) Where a company is incorporated outside Australia but within the British dominions, and renders actuarial abstracts and statements of its business to the Board of Trade in England in pursuance of any Imperial Act, the company may furnish copies of those documents to the Commissioner in lieu of the abstracts and statements required to be furnished under section fifty-two of this Act :

S.A., s. 50.
W.A., s. 21.
T., s. 19.

Provided that the company shall, at the same time as it furnishes copies of those documents, furnish to the Commissioner a statement showing, in accordance with a method approved by the Commissioner, the net liabilities of the company under its policies on Australian registers as at the valuation date to which those documents relate.

145.—(1.) The Commissioner shall collect at such times as are prescribed such statistics in relation to life insurance business as are prescribed.

Power to collect statistics.

(2.) For the purpose of enabling the Commissioner to collect statistics under this section every company shall furnish to the Commissioner in accordance with the prescribed form and at such times as are prescribed such particulars as are specified in that form

(3.) The Commissioner may supply to such officers of the Commonwealth or of a State or of an authority of the Commonwealth or of a State as are prescribed any statistics collected under this section.

(4.) Subject to the last preceding sub-section, a person shall not publish, in such a form as to disclose the particulars furnished by any individual company, any particulars furnished to the Commissioner under this section.

146. Where any notice is required by this Act to be served upon any person, the notice shall be in writing, and shall be served upon him either personally or by being sent by post addressed to him at his usual or last known place of abode or business, and any notice so addressed and sent shall be deemed to be notice to that person.

Service of notices.
N.Z., s. 32.

147. Any document required by or under this Act to be signed by the principal officer of a company may be signed by any other officer of the company, if that officer is thereto authorized by the principal officer and the principal officer has notified the Commissioner in writing of the authorization.

Authority by principal officer of company.

148.—(1.) Any company which contravenes or fails to comply with—

Offences.

(a) any provision of this Act ;

(b) any provision of any order or regulation made under this Act ; or

(c) any direction or requirement given or made by the Commissioner or a person appointed under section fifty-five of this Act.

shall be guilty of an offence against this Act, and, in the case of a default in complying with any such provision, direction or requirement, the offence shall be deemed to be continued so long as the default continues.

(2.) Where an offence against this Act is committed by a company and the offence is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, principal officer, or other officer or an actuary or auditor of the company, he, as well as the company, shall be deemed to be guilty of the offence.

(3.) If any document required by or under this Act to be signed by any person is false in any particular to the knowledge of any such person who signs it, that person shall be guilty of an offence.

(4.) Notwithstanding any limitation on the time for the taking of proceedings which is contained in any Act, summary proceedings for offences against this Act may be commenced at any time within one year from the date on which there comes to the knowledge of the Commissioner evidence, sufficient in his opinion to justify a prosecution for the offence :

Provided that no such proceedings shall be commenced after the expiration of three years from the commission of the offence.

(5.) For the purposes of the last preceding sub-section, a certificate purporting to be signed by the Commissioner, as to the date on which that evidence came to his knowledge shall, in any such summary proceedings, be evidence of that date.

(6.) Any proceedings against a company for an offence against this Act shall be without prejudice to any proceedings for the judicial management, or the winding-up, of the company or of any part of the business of the company which may be taken in respect of the matter constituting the offence.

Penalties.

149. All offences against this Act for which no other penalty is prescribed shall be punishable, in the case of a company, by a fine not exceeding One thousand pounds and, in the case of an individual, by a fine not exceeding One hundred pounds or imprisonment for a period not exceeding six months.

Regulations.

150. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act and in particular—

- (a) for prescribing the time within which any appeal to the Court provided for by this Act will lie ;
- (b) for the repeal or alteration of, or addition to, any form in or any provision of any of the first three Schedules ; and
- (c) for prescribing penalties not exceeding Fifty pounds for any breach or contravention of the regulations.

THE SCHEDULES.

THE FIRST SCHEDULE.

FORM A.

Section 44.

Revenue Account of the [name of Company] for the year ended [date] in respect of [name of Statutory Fund].

Particulars.	Business in Australia.		Business outside Australia.		Total	Particulars.	Business in Australia.		Business outside Australia.		Total.
	£	s. d.	£	s. d.	£ s. d.		£	s. d.	£	s. d.	£ s. d.
Amount of Statutory Fund at beginning of year					Claims under policies, paid and outstanding					
Insurance Premiums					By death and disability ..					
Single Premiums					By maturity ..					
Other Premiums					Surrenders (including surrenders of bonus) ..					
Consideration for annuities granted					Annuities ..					
Single Premiums					Rebuses in Cash ..					
Other Premiums					Commissions ..					
Interest, dividends and rents					Expenses of Management (other than Commissions)—					
Less: Rates and taxes thereon					Salaries ..					
Other income (to be specified)					Directors' Fees ..					
						Auditors' Fees ..					
						Auditors' Fees ..					
						Legal Expenses ..					
						Office Rent ..					
						Advertising ..					
						Printing and Stationery ..					
						Postage ..					
						Travelling Expenses ..					
						General Expenses ..					
						Other Expenses (to be specified) ..					
						Contributions to Staff Superannuation Fund					
						Taxes (other than those charged on interest, dividends and rents) ..					
						Surrenders of Dividends ..					
						Other Expenditure (to be specified) ..					
						Amount of Statutory Fund at end of year, as shown in the Balance-sheet ..					
Total					Total ..					

NOTE 1.—If any sum has been deducted from an expenses of management item, and entered on the assets side of the Balance-sheet, the amount so deducted shall be shown separately.

NOTE 2.—Amounts shown in this Account shall be net amounts after deduction of sums paid or received in respect of reinsurance of the risks of the company.

NOTE 3.—The columns headed "Business in Australia" apply to income and expenditure relating to policies registered by the company in Australia.

NOTE 4.—Where any part of the fund is invested in respect of both ordinary life insurance business and industrial insurer business, a separate revenue account in accordance with the above form shall be prepared separately for each of those businesses.

Section 44

THE FIRST SCHEDULE—continued

Form B.

Revenue Account of the [name of company] for the year ended [date] in respect of [type of insurance, other than life insurance, business].

Particulars.	£ s. d.	Particulars	£ s. d.
Balance of Account at beginning of year	..	Claims under Insurance contracts, paid and outstanding, including medical	..
Reserve for Unexpired Risks £.....	..	Commissions ..	..
Additional Reserve (if any) £.....	..	Expenses of Management (other than Commissions)—	£ s. d.
Profits	Salaries ..	..
Interest	Directors' Fees ..	..
Less : Rates and taxes thereon £.....	..	Auditors' Fees ..	..
Other Income (to be specified)	Medical Fees ..	..
		Legal Expenses ..	..
		Other Rent ..	..
		Advertising ..	..
		Printing and Stationery ..	..
		Postage ..	..
		Travelling Expenses ..	..
		General Expenses ..	..
		Other Expenses (to be specified) ..	..
		Contributions to Staff Superannuation Fund ..	..
		Taxes (other than those charged on interest, dividends and rents)	..
		Shareholders' Dividends ..	..
		Other Expenditure (to be specified)	..
		Balance of Account at end of year as shown in the Balance-sheet	..
		Reserve for Unexpired Risks £.....	..
		Additional Reserve (if any) £.....	..
Total	Total ..	..

NOTE 1.—If any sum has been deducted from an expenses of management item, and entered on the assets side of the Balance-sheet, the amount so deducted shall be shown separately.

NOTE 2.—Amounts shown in this Account shall be net amounts after deduction of sums paid or received in respect of reinsurance of the risks of the company.

Section 44.

THE FIRST SCHEDULE—continued.

FORM C.

Profit and Loss Account of the [name of Company] for the year ended [date].

	£	s	d.		£	s	d.
Balance brought forward at beginning of year							
Interest, dividends and rents not carried to other accounts ..							
Profits transferred from Revenue and other accounts (to be specified)				Dividends paid to shareholders, not charged to other accounts			
Other Income (to be specified)				Expenses, not charged to other accounts (to be specified) ..			
				Transfers to Revenue and other accounts (to be specified) ..			
				Balance at end of year, as shown in the Balance-sheet ..			

NOTE 1.—If any sum has been deducted from the Expenses item, and entered on the assets side of the Balance-sheet, the amount so deducted shall be shown separately.
NOTE 2.—Where this account includes any amounts of dividends or other payments to shareholders, the financial year in respect of which these dividends or other payments are made, shall also be stated

FORM D.

THE FIRST SCHEDULE—continued.
Balance-sheet of [name of Company] as at [date].

Section 44.

Liabilities.	Life Insurance Business.	Other Classes of Business.	Total.	Assets.	Life Insurance Business.	Other Classes of Business.	Total.	Amount of Total Assets which are held in Australia.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Shareholders Capital—	£							
Authorized			Fixed Assets (at cost less depreciation) ..				
Less Unissued			Office Premises				
Subscribed Capital			Other freehold and leasehold property ..				
				Office furniture fittings and equipment ..				
Paid up—				and motor vehicles				
In Money							
Otherwise than in Money			Loans—				
				On Mortgage				
Life Insurance Statutory Funds, including Reserve Accounts. (to be specified separately)				On debentures or shares				
Funds and Accounts (to be specified) in respect of other classes of business ..				On policies of the company, including advances of premiums				
Profit and Loss Account Balance ..				On life interests and reversions ..				
				On personal security				
				To controlled companies				
				Other loans (to be specified) ..				
Other Liabilities—								
Deposits				Investments—				
Claims admitted or intimated but not paid*				Government Securities—				
Annuities due and unpaid*				Australia				
Sundry Creditors				New Zealand				
Other liabilities (to be specified) ..				Other parts of British Dominions ..				
				Foreign				
				Securities of Local Government and semi-governmental bodies				
				Debentures				
				Preference Shares				
				Ordinary Shares				
				Holdings in Controlled Companies ..				
				Life interests and reversions purchased ..				
				Other investments (to be specified) ..				

THE FIRST SCHEDULE—continued.
Form D—continued.

Liabilities	Life Insurance Business.	Other Classes of Business.	Total.	Assets.	Life Insurance Business.	Other Classes of Business.	Total.	Amount of Total Assets which are held in Australia.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
				Other Assets— Outstanding premiums* Interest, dividends and rents accruing but not due* Outstanding interest, dividends and rents* Sundry Debtors Other Assets (to be specified) ..				
				Cash— On Deposit On Current Account and in hand ..				
Total Liabilities				Total Assets				

NOTE 1.—Where a company maintains more than one statutory fund in respect of its life insurance business, the amounts of the items in the above balance-sheet shall be shown in separate columns in respect of each statutory fund, in lieu of combining these amounts in the columns headed "Life Insurance Business".

NOTE 2.—Where any statutory fund is maintained in respect of both ordinary life insurance business and industrial insurance business, the amounts of that fund which are derived from each of those businesses shall be shown separately.

NOTE 3.—Assets and Liabilities not allocated to any class of life insurance business, and Shareholders Capital and Reserves, must be shown in the columns headed "Other Classes of Business".

NOTE 4.—A footnote to the balance-sheet shall state what parts of the assets of the company have been deposited, in Australia or elsewhere, as security for policy owners, specifying in each case the amount of the deposit, the type of security deposited, and the statutory fund, if any, of which that deposit or any portion of that deposit forms part.

NOTE 5.—Full particulars shall be stated of holdings in, and loans to, controlled companies (whether they transact life insurance business, or not), giving the name of each such company, the number, description, and amounts paid up on the shares held in each, and the value at which the holdings in each such company stand in the balance-sheet. A company shall be regarded as a controlled company if the company, in respect of which this balance-sheet is prepared, has the power directly or indirectly to exercise decisive influence over its policy or management.

NOTE 6.—Amounts due from directors and officers of the company, unless fully secured, must be shown separately.

NOTE 7.—Items marked * are, or have been, included in the corresponding items in the Revenue Accounts.

NOTE 8.—The currency in which the balance-sheet is made up, and the basis of conversion of other currencies into that currency, shall be stated.

NOTE 9.—The persons signing the balance-sheet shall also sign an appended statement showing how the values of the investments are arrived at, and a certificate to the effect that, in their belief, the assets set forth in the balance-sheet are in the aggregate fully of the value stated in the balance-sheet, less any investment reserve fund taken into account.

NOTE 10.—A certificate shall be appended, signed by the same persons as signed the balance-sheet and by the auditors, to the effect that no part of the assets of any statutory fund has been applied, directly or indirectly, in contravention of the provisions of this Act relating to the application and investment of statutory funds.

Section 51

THE FIRST SCHEDULE—continued.

FORM E.

New policies issued by [name of Company] during the year ended [date.]

Type of Policy.	In Australia.				Outside Australia.			
	Number of Policies.	Sum Insured.	Single Premiums.	Annual Premiums.	Number of Policies.	Sum Insured.	Single Premiums.	Annual Premiums.
		£	£	£		£	£	£
Whole Life Insurances
Endowment Insurances
Other Insurances
Endowments
Annuities
Total

NOTE 1.—Separate returns shall be rendered for ordinary life insurance business and industrial insurance business.

NOTE 2.—Items in this return shall be shown after deduction of amounts in respect of reinsurance of the risks of the company

Section 51

THE FIRST SCHEDULE—continued

Form F.

Policies of [name of Company] discontinued during the year ended [date].

Cause of Discontinuance	Policies on Registers in Australia.			Policies on Registers outside Australia.		
	Number of Policies.	Sum Insured.	Annual Premiums.	Number of Policies.	Sum Insured.	Annual Premiums.
Insurance and Endowment Policies—						
Death	£	£		£	£
Maturity					
Surrender					
Forfeiture					
Transfer					
Other causes					
Annuity Policies (All causes)				(per annum)	
Total					

NOTE 1.—Separate returns shall be rendered for ordinary life insurance business and industrial insurance business.
NOTE 2.—Items in this return shall be shown after deduction of amounts in respect of reinsurance of the risks of the company.
NOTE 3.—Items in this return shall be shown exclusive of bonus additions.
NOTE 4.—Items on the line entitled "Transfer" shall be the net loss or gain to the appropriate registers resulting from transfers between various registers during the year

Section 51.

THE FIRST SCHEDULE—continued.

FORM G

Policies of [name of Company] existing on [date]

Type of Policy.	Policies on Registers in Australia.			Policies on Registers outside Australia.		
	Number of Policies.	Sum Insured.	Annual Premiums	Number of Policies.	Sum Insured.	Annual Premiums.
Whole Life Insurances ..		£	£		£	£
Endowment Insurances						
Other Insurances ..						
Endowments . .						
Annuities ..		(per annum)			(per annum)	
Total . .						

NOTE 1.—Separate returns shall be rendered for ordinary life insurance business and industrial insurance business.

NOTE 2.—Items in this return shall be shown after deduction of amounts in respect of re-insurances or the risks of the company.

THE SECOND SCHEDULE.

Section 48.

PROVISIONS RELATING TO THE PREPARATION OF ABSTRACTS OF ACTUARY'S REPORTS.

PART I.

Regulations.

1. Abstracts shall be so arranged that the numbers and letters of the items correspond with those of the items of Part II. of this Schedule.

2. Where any table of mortality or sickness used in a valuation is not a published table, then for the purpose of complying with item (3.) of Part II. of this Schedule, specimen policy values shall be given at the rate of interest employed in the valuation in respect of whole life insurance policies effected at the respective ages of 20, 30, 40 and 50, and having been in force respectively for five years, ten years and upwards at intervals of ten years; and similar specimen policy values shall be given in respect of endowment insurance policies effected at the respective ages of 20, 30 and 40 for endowment terms of twenty and thirty years, and in the case of policies involving continuous disability benefits, specimens of the valuation factors must be given:

Provided that, where the specimen policy values or valuation factors required by this regulation to be given are the same as those given in any abstract prepared under Part II. of this Schedule previously submitted by the company to the Commissioner, it shall be sufficient in any abstract subsequently submitted to refer to the specimens so given in such manner as to enable the Commissioner to ascertain the required information.

3. In showing the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, in accordance with the requirements of item (4.) of Part II. of this Schedule, no credit is to be taken for any adjustments made in order to secure that no policy is treated as an asset.

THE SECOND SCHEDULE—*continued.*

4.—(1) The average rate of interest earned in any year by the assets constituting a statutory fund shall, for the purposes of item (5.) of Part II. of this Schedule, be calculated by dividing the interest of the year by the mean fund of the year; and for the purposes of any such calculation the interest of the year shall be taken to be the whole of the interest, dividends and rents credited to the statutory fund during the year after deduction of rates and taxes (any refund of rates or taxes made during the year being taken into account), and the mean fund of the year shall be ascertained by adding a sum equal to one-half of the amount of the statutory fund at the beginning of the year to a sum equal to one-half of that fund at the end of the year, and deducting from the aggregate of those two sums an amount equal to one-half of the interest of the year.

(2) It must be stated in what manner the sums invested in reversions and the income and profits derived from those reversions have been treated in calculating the average rate of interest.

5. Every abstract prepared in accordance with the requirements of Part II. of this Schedule shall be signed by an actuary and shall contain a certificate by him to the effect that he has satisfied himself as to the accuracy of the valuations made for the purposes of the abstract and of the valuation data:

Provided that, if the actuary who signs the abstract is not a permanent officer of the company, the certificate as to the accuracy of the valuation data shall be given and signed by the principal officer of the company and the actuary shall insert in the abstract a statement signed by him showing what precautions he has taken to ensure the accuracy of the data.

6. For the purposes of this Schedule—

“extra premium” means a charge for any risk not provided for in the minimum contract premium;

“inter-valuation period” means, in relation to any valuation in respect of any class of business, the period to the valuation date of that valuation from the valuation date of the last preceding valuation under this Act (if any) or, if there is no preceding valuation under this Act, from the valuation date of the last preceding valuation made in respect of that class of business or, in a case where no preceding valuation has been made in respect of that class of business, from the date on which the company began to carry on that class of business;

“maturity date” means the fixed date on which any benefit will become payable either absolutely or contingently;

“net premiums” means, in relation to any valuation, the premiums for which credit is taken in the valuation;

“premium term” means the period during which premiums are payable;

“valuation date” means, in relation to any valuation, the date as at which the valuation is made.

PART II.

Requirements as to Abstracts.

The following statements shall be annexed to every abstract prepared in accordance with the requirements of this Part:—

- (a) a Consolidated Revenue Account, in accordance with Form H in this Schedule, for the inter-valuation period (except that it shall not be necessary to prepare such an account in respect of any class of business where the company lodges annually with the Commissioner an abstract in respect of that class of business);
- (b) a Summary and Valuation, in accordance with Form I in this Schedule, of the policies included, at the valuation date, in the class of business to which the abstract relates; and
- (c) a Valuation Balance-sheet, in accordance with Form J in this Schedule.

Every such abstract shall show—

(1.) the valuation date;

(2.) the general principles and full details of the methods adopted in the valuation of each of the various classes of insurance and annuities shown in Form I in this Schedule, including statements on the following matters:—

- (a) whether the principles were determined by the instruments constituting the company or by its articles of association or other rules, or, if not, how the principles were determined;

THE SECOND SCHEDULE—*continued*.

- (b) the method by which the net premiums have been arrived at and how the ages at entry, premium terms and maturity dates, have been treated for the purpose of the valuation ;
 - (c) the methods by which the valuation age, period from the valuation date to the maturity date, and the future premium terms, have been treated for the purpose of the valuation ;
 - (d) the rate of bonus taken into account where, by the method of valuation, definite provision is made for the maintenance of a specific rate of bonus ;
 - (e) the method of allowing for—
 - (i) the incidence of the premium income ; and
 - (ii) premiums payable otherwise than annually ;
 - (f) the methods by which provision has been made for the following matters .—
 - (i) the immediate payment of claims ;
 - (ii) future expenses and profits in the case of limited payment policies and paid-up policies ;
 - (iii) the reserve in respect of lapsed policies, not included in the valuation, but under which a liability exists or may arise ; and
 - (iv) payment of benefits or waiver of premiums during disability—
 - (A) in operation at the valuation date ; and
 - (B) not in operation at that date,
 and whether any reserves have been made for those matters ;
 - (g) whether under the valuation method adopted any policy would be treated as an asset, and what steps have been taken to eliminate any such asset from the valuation ;
 - (h) a statement of the manner in which policies on under-average lives and policies subject to premiums which include a charge for climatic, military or other extra risks have been dealt with ; and
 - (i) the currency in which the valuation is made and the basis of conversion into that currency of the value of liabilities in other currencies ;
- (3.) the tables of mortality sickness and accident used, and the rate of interest assumed, in the valuation ;
- (4.) the proportion which that part of the annual premiums reserved as a provision for future expenses and profits bears to the total of the annual premiums, separately specified in respect of insurances with immediate profits, with deferred profits, and without profits ;
- (5.) the average rates of interest earned by the assets constituting the relevant statutory fund for each of the five years preceding the valuation date ;
- (6.) the basis adopted in the distribution of surplus as between the company and policy owners, and whether that basis was determined by the instruments constituting the company, or by its articles of association or other rules, or, if not, how the basis was determined ;
- (7.) the general principles adopted in the distribution of surplus among policy owners, including statements on the following matters :—
- (a) whether the principles were determined by the instruments constituting the company, or by its articles of association or other rules, or, if not, how the principles were determined ;
 - (b) the number of years' premiums to be paid, period to elapse, and other conditions to be fulfilled, before a bonus is allotted ;
 - (c) whether the bonus is allotted in respect of each year's premiums paid, or in respect of each completed calendar year or year of insurance or, if not, how the bonus is allotted ; and
 - (d) whether the bonus vests immediately on allocation or, if not, the conditions of vesting ;

THE SECOND SCHEDULE—*continued*.

(8.) the total amount of surplus arising during the inter-valuation period including surplus paid away and sums transferred to reserve funds or other accounts during that period, and the amount brought forward from the preceding valuation (to be stated separately) and the allocation of that surplus—

- (a) to interim bonus paid ;
- (b) among policy owners with immediate participation, giving the number of the policies which participated and the sums insured under the policies (excluding bonuses) ;
- (c) among policy owners with deferred participation, giving the number of the policies which participated and the sums insured under the policies (excluding bonuses) ;
- (d) among shareholders or to shareholders' accounts (any such sums passed through the accounts during the inter-valuation period to be separately stated) ;
- (e) to every reserve fund, or other fund or account (any such sums passed through the accounts during the inter-valuation period to be separately stated) ; and
- (f) as carried forward unappropriated ;

(9.) specimens of bonuses allotted as at the valuation date to policies for One hundred pounds—

- (a) for the whole term of life effected at the respective ages of 20, 30 and 40, and having been in force respectively for five years, ten years and upwards at intervals of ten years ;

(Where different rates of bonus are allotted to policies under which the premiums are payable for a limited term only, similar specimen bonuses shall be shown for policies having premium terms of ten and twenty years respectively) ; and

- (b) for endowment insurances effected at the respective ages of 20, 30 and 40, for endowment terms of fifteen, twenty and thirty years and effected at age 20 for an endowment term of forty years, and having been in force respectively for five years, ten years and upwards at intervals of ten years ;

(10.) Where bonuses are allotted as reversionary additions to the sums insured under policies, a statement of the basis and conditions under which those bonuses may be surrendered for cash ; and

(11.) a statement of the value allowed for surrender of policies for One hundred pounds—

- (a) for the whole term of life effected at the respective ages of 20, 30 and 40, and having been respectively in force for five years, ten years and upwards at intervals of ten years ; and
 - (b) for endowment insurances effected at the respective ages of 20, 30 and 40, for endowment terms of fifteen, twenty and thirty years and effected at age 20 for an endowment term of forty years, and having been in force respectively for five years, ten years and upwards at intervals of ten years.
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THE SECOND SCHEDULE—continued.

PART III.

Forms.

FORM H.

Consolidated Revenue Account of the [name of Company] for the period of [number] years ended [date] in respect of [name of Statutory Fund].

Particulars.	£ s. d.	Particulars.	£ s. d.
Amount of Statutory Fund at beginning of period	..	Claims under policies, paid and outstanding	..
Insurance Premiums	By death and disability ..	..
Single Premiums	By maturity ..	..
Other Premiums	Surrenders (including Surrenders of Bonuses)	..
Consideration for annuities granted	..	Annuities ..	..
Single Premiums	Bonuses in Cash ..	..
Other Premiums	Commissions ..	..
Interest, dividends and rents	Expenses of Management (other than Commissions)—	..
Less: Rates and taxes thereon ..	£	Salaries ..	..
Other Income (to be specified)	..	Directors' Fees ..	..
	..	Auditors' Fees ..	..
	..	Medical Fees ..	..
	..	Legal Expenses ..	..
	..	Office Rent ..	..
	..	Advertising ..	..
	..	Printing and Stationery ..	..
	..	Postage ..	..
	..	Travelling Expenses ..	..
	..	General Expenses ..	..
	..	Other Expenses (to be specified) ..	..
	..	Contributions to Staff Superannuation Fund	..
	..	Taxes (other than those charged on interest, dividends and rents)	..
	..	Shareholders' Dividends ..	..
	..	Other Expenditure (to be specified) ..	..
	..	Amount of Statutory Fund at end of period, as shown in the Balance-sheet ..	..
Total	Total ..	..

NOTE 1.—If any sum has been deducted from an expenses of management item, and entered on the assets side of the Balance-sheet, the amount so deducted shall be shown separately.

NOTE 2.—Amounts shown in this Account shall be net amounts after deduction of sums paid or received in respect of reinsurances of the risks of the company.

NOTE 3.—Where any statutory fund is maintained in respect of both ordinary life insurance business and industrial insurance business, a separate revenue account in accordance with the above form shall be prepared separately for each of those businesses.

THE SECOND SCHEDULE—continued. FORM I.
 Summary and Valuation of the Policies of the [name of Company] at [date].

Description of Transactions.	Particulars of the Policies for Valuation.					Valuation by Table.		
	Number of Policies.	Sums insured.	Bonuses.	Office Yearly Premiums.	Net Yearly Premiums.	Sums insured.	Bonuses.	Net Yearly Premiums.
								Net Liability.
INSURANCE POLICIES.								
<i>Group 1.—With immediate participation in profits.</i>								
For whole term of life ..								
Other classes (to be specified separately) ..								
Extra premiums ..								
Total insurances ..								
Deduct re-insurances ..								
Net insurances ..								
<i>Group 2.—With deferred participation in profits.</i>								
For whole term of life ..								
Other classes (to be specified separately) ..								
Extra premiums ..								
Total insurances ..								
Deduct re-insurances ..								
Net insurances ..								
Total net insurances with profits ..								
<i>Group 3.—Without participation in profits.</i>								
For whole term of life ..								
Other classes (to be specified separately) ..								
Extra premiums ..								
Total insurances ..								
Deduct re-insurances ..								
Total net insurances without profits ..								
OTHER POLICIES								
<i>Group 4.—Endowments.</i>								
Endowments on lives ..								
Other classes (to be specified separately) ..								
Total endowments ..								
Deduct re-insurances ..								
Total net endowments ..								
<i>Group 5.—Annuities.</i>								
Immediate annuities on lives ..								
Other classes (to be specified separately) ..								
Total annuities ..								
Deduct re-insurances ..								
Total net annuities ..								
Total of the results after deduction of re-insurances								

NOTE 1.—Items in this Summary may be stated to the nearest pound.

NOTE 2.—Policies without participation in profits but with a guaranteed rate of bonus shall be shown separately in Group 3.

NOTE 3.—Where any adjustments have been made in the valuation, details of the adjustment shall be specified separately in respect of each group in this form.

NOTE 4.—Office and net premiums and the values of the latter shall be shown after abatements made by the application of bonus.

Form J.

THE SECOND SCHEDULE—continued.
Valuation Balance-sheet of [name of Statutory Fund] of [name of company] as at [date]

	Ordinary life insurance business.	Industrial insurance business.	Total.		Ordinary life insurance business.	Industrial insurance business.	Total.
---	£	£	£	—	£	£	£
Net liabilities under policies—							
On Australian rewriters				
Other policies				
Reserve Accounts				
Surplus (if any)				
				Amount of Statutory Fund			
				Deficiency (if any)			

THE THIRD SCHEDULE.

Section 48.

PROVISIONS RELATING TO THE PREPARATION OF STATEMENTS OF LIFE INSURANCE BUSINESS.

PART I.

Regulations.

1. Statements prepared under this Schedule shall be prepared, so far as practicable, in tabular form and shall be identified by numbers and letters corresponding with those of the items of Part II. of this Schedule.

2. Except with respect to rates of premium or contribution, items in statements prepared under this Schedule shall be shown to the nearest pound.

3. Extra premiums where shown separately in Form I prepared under the Second Schedule to this Act shall not be included in statements prepared under this Schedule.

4. Every statement prepared under this Schedule shall be signed by the actuary making the investigation in connexion with which it is prepared.

5. For the purposes of this Schedule—

“extra premiums” means a charge for any risk not provided for in the minimum contract premium;

“net premiums” means the premiums for which credit is taken in the valuation in connexion with which any statement is prepared;

“valuation date” means, in relation to any valuation, the date as at which the valuation is made.

7. Statements shall be prepared under this Schedule both for the total business before deduction in respect of re-insurances of the risks of the company, and for those re-insurances.

8. Where the rates of office premiums required to be shown in any statement prepared under this Schedule are the same as the rates shown in any statement previously so prepared and submitted to the Commissioner, it shall be sufficient to refer to the rates so shown in such manner as to enable the Commissioner to ascertain the required information.

PART II.

Requirements as to Statements.

The Statements required to be prepared under this Part are as follows:—

(1.) Statements as to policies issued in Australia, separately prepared in respect of policies with and without participation in profits, showing—

(a) in relation to policies for the whole term of life, the rates of office premiums charged, in accordance with the published tables in use, for new policies giving the rates for decennial ages at entry from 20 to 70 inclusive;

(b) in relation to endowment insurance policies, the rates of office premiums charged, in accordance with the published tables in use, for new policies with original terms of ten, fifteen, twenty, thirty and forty years, giving the rates for ages at entry 20, 30 and 40, but excluding policies under which the age at maturity exceeds 60;

(c) in relation to policies specified in the preceding provisions of this item under which a continuous disability benefit is granted, the office premiums for that benefit under new policies, and the conditions which must be fulfilled before a continuous disability benefit—

(i) is allowed;

(ii) ceases to be allowed; and

(d) in relation to sinking fund policies the rates of office premiums charged in accordance with the published tables in use for new policies with original terms of 10, 15, 20 and 30 years:

Provided that, in the case of industrial policies, there shall be shown, in lieu of the rates of office premiums charged as specified in the foregoing items, the sums insured by new policies, in accordance with the published tables in use, in return for fixed weekly and monthly office premiums and in addition the sums insured for ages at entry 1, 5, 10 and 15;

(2.) Statements, separately prepared in respect of policies with immediate profits, with deferred profits, and without profits, showing in quinquennial groups—

(a) in relation to policies on single lives for the whole term of life—

(i) the total amount insured (specifying sums insured and reversionary bonuses separately), grouped according to ages attained;

(ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable throughout life, and of the corresponding net premiums, grouped according to ages attained; and

THE THIRD SCHEDULE—*continued.*

- (iii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable for a limited number of years, and, of the corresponding net premiums grouped in accordance with the grouping adopted for the purposes of the valuation ;
- (b) in relation to endowment insurance policies on single lives—
 - (i) the total amount insured (specifying sums insured and reversionary bonuses separately), grouped in accordance with the grouping adopted for the purposes of the valuation ; and
 - (ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable and of the corresponding net premiums, grouped in accordance with the grouping adopted for the purposes of the valuation ;
- (c) in relation to policies specified in the preceding provisions of this item, under which a continuous disability benefit is granted—
 - (i) the total amount of continuous disability benefit insured under the policies, grouped in accordance with the grouping adopted for the purposes of the valuation ; and
 - (ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable (including premiums of which payment is, at the valuation date, suspended owing to disability arising from sickness or accident) and the corresponding net premiums, grouped according to the grouping adopted for the purposes of the valuations ; and
- (d) in relation to sinking fund policies (other than annuity policies)—
 - (i) the total amount insured (specifying sums insured and reversionary bonuses separately), grouped according to the number of complete years from the valuation date to the date of maturity of the policies ; and
 - (ii) the amount per annum, after deducting abatements made by application of bonus, of office premiums payable, and of the corresponding net premiums, grouped according to the number of years' payments remaining to be made :

Provided that—

- (a) in relation to endowment insurance policies or sinking fund policies which will reach maturity in less than five years, and which are grouped for the purposes of the valuation according to the years in which the policies will mature for payment, the information required by sub-items (b) (i), (c) (i) and (d) (i) of this item shall be given for each year instead of in quinquennial groups ; and
 - (b) where the net premiums in respect of policies for the whole term of life with premiums payable for a limited number of years, or the net premiums in respect of endowment insurance policies, are grouped for the purposes of the valuation otherwise than according to the number of years' payments remaining to be made, or, where the sums insured under endowment insurance policies are grouped for the purposes of the valuation otherwise than according to the years in which the policies will mature for payment or in which they are assumed to mature if earlier than the true year, then, in any such case, the valuation constants and an explanation of the method by which they are calculated shall be given for each group, and, in the case of the sums insured under endowment insurance policies, a statement shall also be given of the amount insured maturing for payment in each of the two years following the valuation date ;
- (3.) Statements in relation to immediate annuities on single lives for the whole term of life and annuities which were originally deferred but which have been entered upon before or on the valuation date, separately prepared in respect of annuities on male and female lives, showing in quinquennial age groups the total amount of those annuities, grouped according to ages attained at the valuation date ;
- (4.) Statements in relation to deferred annuities which have not been entered upon before or on the valuation date, separately prepared in respect of annuities on male and female lives, showing in quinquennial groups—
- (a) the total amount of those annuities, grouped according to the number of years from the valuation date to the date the annuity is to be entered upon, and the average age (obtained by weighting according to the amount of the annuity) attained at the valuation date by the prospective annuitants ; and

THE THIRD SCHEDULE—continued.

- (b) the amount per annum of office premiums payable and of the corresponding net premiums, grouped according to the number of years' payments remaining to be made ;
- (5.) Statements in relation to sinking fund policies, being immediate annuity policies, showing in quinquennial groups the total amount of those annuities, grouped according to the number of years from the valuation date to the date the annuities cease to be payable ;
- (6.) Statements showing in quinquennial groups the amount per annum of continuous disability benefits payable at the valuation date in respect of disability of more than one year's duration, grouped according to ages attained ; and
- (7.) Statements showing the total amount of continuous disability benefit paid and premiums waived in each of the five years immediately preceding the valuation date.

THE FOURTH SCHEDULE.

Section 49.
S. Africa,
2nd Schedule.

RULES FOR CALCULATION OF VALUE OF LIABILITIES ON THE MINIMUM BASIS.

In the calculation on the Minimum Basis of the value of the aggregate liabilities of a statutory fund in respect of its policies, the following rules shall apply :—

(1.) The rates of mortality used shall be rates assumed according to the following tables or to such other tables as are prescribed :—

- (a) in respect of annuity policies for terms dependent on human life, including deferred annuity policies, the ultimate tables for female and male lives respectively, based on the experience of Annuitants for the years 1900 to 1920, and published on behalf of The Institute of Actuaries and The Faculty of Actuaries in Scotland under the short title of *a (f)* and *a (m)* tables ;
- (b) in respect of ordinary policies which are life policies other than annuity policies, the ultimate table based on the experience of insured lives for the years 1924 to 1929, and published on behalf of that Institute and that Faculty under the short title of *A 1924-29 Table* ; and
- (c) in respect of industrial policies which are life policies other than annuity policies, the Australian Life Table 1932-34 (Males), known as the *Am³³ Table of Mortality*.

(2.) The rate of interest used shall be an assumed rate of Four per centum per annum if the date of valuation is on or before the 31st December, 1955 and Three and one-half per centum per annum if the date of valuation is after that date.

(3.) The liability in respect of a policy shall be the difference between the capitalized values as at the valuation date of—

- (a) the reversion in the sum insured, including any reversionary bonuses declared in respect of the policy and still attaching to the policy at the valuation date ; and
- (b) the future adjusted net premiums, less any reduction of those premiums which may have been granted as a bonus, or obtained by the giving of any valuable consideration,

according to the contingencies upon which they are respectively payable.

(4.) For the purposes of the last preceding rule—

“adjusted net premiums” means the net premium for the policy increased by—

- (a) the difference between the net premium and the net premium that would apply (according to the rate of interest and rates of mortality assumed and the age of the person whose life is insured at the date one year after the date of the issue of the policy) if—

(i) the policy had been issued one year after the actual date of its issue ; and

(ii) in cases where the premiums are payable for a limited period, the premiums were payable for a period one year less than that limited period ; or

- (b) an amount which, if payable according to the same contingencies as the net premium is payable, would have a capitalized value as at the date the policy was issued of Three per centum of the sum insured by the policy,

whichever is the less ;

THE SIXTH SCHEDULE—*continued*.

(2.) For the purposes of the last preceding sub-rule, "net premium" means such premium, exclusive of any addition for bonuses, office expenses and other charges, as (according to the rate of interest and rates of mortality assumed and the age of the person whose life is insured at his birthday next following the date one year after the date of the issue of the policy) is sufficient to provide for the risk incurred by the company in issuing the policy.

4.—(1.) For the purposes of this Part, the calculations shall be made as at the day immediately preceding that on which the first premium which has not been paid falls, or fell, due.

(2.) For the purposes of this rule, any premium which has not been paid in cash and which is deemed to be a debt owing to the company shall be deemed to have been paid.

5. For the purposes of rules 2 and 3 of these Rules—

- (a) interest shall be assumed at the rate of Four pounds per centum per annum;
- (b) the rates of mortality shall be assumed according to the Australian Life Tables 1932-34 (Males), known as the *Am³³* Table of Mortality, or to such other tables as are prescribed; and
- (c) the attained age of the person whose life is insured shall be obtained by adding to the age attained by him at his birthday next after the date of the issue of the policy, the duration of the policy in completed years and months as at the day at which the calculation is made.

6. There shall be added to the amount (exclusive of bonus additions) of any paid-up policy calculated in accordance with rule 1 or rule 2 of these Rules, the amount of all reversionary bonuses declared upon (and still attaching to) the original policy and there shall be deducted from the amount so ascertained—

- (a) in the case of an ordinary policy—a sum equal to all the reversionary bonuses which have been declared upon the original policy in respect of the period—
 - (i) between the date of the issue of the original policy and a date three years subsequent to the date of that issue; or
 - (ii) between the date of the issue of the original policy and the date of the paid-up policy, whichever is the shorter; and
- (b) in the case of an industrial policy—a sum equal to all the reversionary bonuses which have been declared upon the original policy in respect of the period—
 - (i) between the date of the issue of the original policy and a date five years subsequent to the date of that issue; or
 - (ii) between the date of the issue of the original policy and the date of the paid-up policy, whichever is the shorter,

and the amount remaining shall be the total amount of the paid-up policy.

PART II.

Rules for ascertaining the surrender value of a policy in certain cases for the purposes of Division 4 of Part IV. of this Act.

1. The surrender value of a policy at any date shall be the present value (according to the contingency upon which the policy is payable) of the amount of the paid-up policy which would be granted as at that date, determined according to the Rules set out in Part I. of this Schedule, or the amount payable at death if death were to occur at the date as at which the surrender value is calculated, whichever is the less.

2. For the purposes of the last preceding rule—

- (a) interest shall be assumed at the rate of Five pounds per centum per annum or at such other rate as is prescribed; and
- (b) in the case of a policy, issued for a term other than the whole term of life, the remaining term at the date as at which the surrender value of the policy is calculated shall be obtained by deducting from the original term of the policy the duration of the policy in completed years and months at that date,

and, in addition, in the case of a life policy—

- (c) the rates of mortality shall be assumed according to the Australian Life Tables 1932-34 (Males), known as the *Am³³* Table of Mortality, or to such other tables as are prescribed; and
- (d) the present value of the paid-up policy shall be ascertained at an age which shall be obtained by adding to the age attained by the person whose life is insured at his birthday next after the date of the issue of the policy, the duration of the policy in completed years and months at the date as at which the surrender value of the policy is calculated.

Sections 109,
111, 112.

THE SEVENTH SCHEDULE.

Amount payable in case of death of child between ages—					£
Birth and one year	..	..	..	..	5
One year and two years	.	..	..	..	6
Two years and three years	..	..	..	..	7
Three years and four years	..	.	..	..	8
Four years and five years	..	..	.	.	10
Five years and six years	..	..	.	.	20
Six years and seven years	.	..	.	..	30
Seven years and eight years	..	..	..	..	40
Eight years and nine years	.	.	.	.	50
Nine years and ten years	.	.	.	.	60

COMMONWEALTH PUBLIC SERVICE.

No. 29 of 1945.

An Act to provide for the appointment to or employment in the Commonwealth Service of certain State Employees, and for other purposes.

[Assented to 16th August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Public Service Act 1945*.

(2.) Section twenty-three of the *Re-establishment and Employment Act 1945** is amended by inserting in sub-section (6.), after the word "amended", the words "by the *Commonwealth Public Service Act 1945* and".

(3.) The *Commonwealth Public Service Act 1922–1943*† is in this Act referred to as the Principal Act.

* Act No. 11, 1945.

† Act No. 21, 1922, as amended by No. 46, 1924; No. 41, 1928; No. 10, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; and No. 19, 1943.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section three of the Principal Act is amended by inserting after the words "Division 9.—Reciprocal Services of Commonwealth and State Officers." the words "Division 9A.—Appointment and Employment of Certain State Employees." Parts.

4. Section thirty-three of the Principal Act is amended by inserting in paragraph (b) of sub-section (1.), before the words "the Board", the words "(except as otherwise provided in this Act)". Admission to Commonwealth Service.

5. After Division 9 of Part III. of the Principal Act the following Division is inserted:—

" Division 9A.—Appointment and Employment of Certain State Employees.

" 81A. In this Division—

Interpretation.

‘ State employee ’ means any person employed in a State Public Service—

(a) who is performing or has performed in or on behalf of the Department of Labour and National Service duties in relation to any matters with respect to which the Director-General of Man Power exercises or has exercised any function for the purpose of the organization of man power or the placing or rehabilitation of persons in employment or matters related to that organization, placing or rehabilitation or duties in relation to any trades dilution committee constituted under Commonwealth law ;

(b) who is a member of the Forces within the meaning of section four of the *Re-establishment and Employment Act 1945* and who, in the opinion of the Board, would, but for his being such a member, have been performing in or on behalf of the Department of Labour and National Service the duties referred to in paragraph (a) of this definition ; or

(c) whose services with the State Public Service have, in the opinion of the Board, become redundant by reason of the establishment of the Commonwealth Employment Service under the *Re-establishment and Employment Act 1945* or of the carrying out of the *Unemployment and Sickness Benefits Act 1944*,

but does not include a person employed in the State Public Service in a temporary capacity who was not so employed immediately prior to the thirty-first day of January, One thousand nine hundred and forty-two ;

'State Public Service' means Public, Railway or other Service of a State, and includes the Service of any authority (other than a local governing authority) constituted by or under the law of the State which is specified by the Board by regulation.

Election of
State
employees

"81B.—(1.) The Board may from time to time request a State employee to elect, by writing addressed to the Board, within twenty-one days after being so requested or within such further period as the Board within those twenty-one days allows, to be appointed to or employed in the Commonwealth Service under this Division.

"(2.) Any such request shall include particulars of the classification of and the remuneration payable in respect of the proposed appointment or employment.

Appointment of
State officers.

"81C.—(1.) Where a State employee, not being a person employed in a temporary capacity, elects, within the prescribed period, to be appointed under this Division, the Board may appoint that employee to the Commonwealth Service.

"(2.) Every such appointment shall be without examination and without probation and, if the Board thinks fit, the provisions of paragraph (b) of sub-section (1.) of section thirty-three or of section forty of this Act shall not apply in relation to the appointment of any such State employee.

Employment of
State temporary
employees.

"81D.—(1.) Where a State employee, being a person employed in a temporary capacity, elects, within the prescribed period, to be employed under this Division, the Board may employ that employee in the Commonwealth Service.

"(2.) The provisions of sub-sections (1.) and (2.) of section eighty-two of this Act shall not apply in relation to the employment of any such employee.

Preference in
employment not
to apply to
appointment of
State
employees
under this
Division.

"81E.—(1.) The provisions of any law of the Commonwealth providing for preference in any matter relating to the employment of discharged members of the Forces shall not apply in relation to the appointment or employment of State employees under this Division.

"(2.) In this section, 'member of the Forces' has the same meaning as in Division 2 of Part II. of the *Re-establishment and Employment Act 1945*.

Remuneration
to be not
less favourable
than State
remuneration.

"81F.—(1.) Subject to sections twenty, thirty-one, fifty-five, fifty-six, sixty-two, sixty-three and sixty-seven of this Act and to the provisions of any law providing for a reduction in the remuneration payable to officers of the Commonwealth Service generally, the rate of remuneration of a State employee appointed or employed under this Division shall, while he continues in the Commonwealth Service, be not less favourable than that to which, in the opinion of the Board, he would have been entitled in respect of the normal position which he occupied in the State Public Service immediately prior to his performing the duties referred to in paragraph (a) of the definition of 'State employee', or which, in the opinion of the Board, he would have occupied in the State Public Service immediately prior to his being so appointed or employed if he had resumed duty or had remained on duty in the State Public Service, whichever rate of remuneration is the greater.

“(2.) For the purposes of this section, ‘remuneration’ means salary or pay and includes such allowances as, in the opinion of the Board, should be regarded as having formed part of the salary or pay of the officer or employee in his normal position in the State Public Service.

“81g. Where a State employee is appointed or employed under this Division and his service in the Commonwealth Service is continuous with—

Prior service
reckoned as
Commonwealth
service.

(a) permanent service or temporary service, as the case may be, of that employee in the State Public Service (including any service deemed under the law of the State to have been continuous service); and

(b) in the case of an employee who has performed the duties mentioned in paragraph (a) of the definition of ‘State employee’, his service while he performed those duties, the service specified in paragraph (a) of this section or the aggregate of the service specified in paragraph (a) and in paragraph (b) of this section, as the case may be, shall be reckoned for the purposes of this Act as service in the Commonwealth Service.

“81h. A State employee appointed or employed under this Division shall preserve his eligibility for the grant of leave of absence for recreation which had accrued immediately prior to his being so appointed or employed.

Accrued
recreation
leave.

“81j. A State employee shall, upon his being appointed or employed under this Division, be credited with the sick leave for which he would have been eligible if he had been continuously employed in the Commonwealth Service for the period ascertained in accordance with section eighty-one c of this Act less any leave of absence on account of illness granted since the commencement of the service specified in paragraph (a) of that section or since the nineteenth day of July, One thousand nine hundred and sixteen, whichever is the later, and before his being so appointed or employed, as the case may be.

Preservation of
sick leave
credits.

“81k.—(1.) Where a State employee was, immediately prior to his being appointed or employed under this Division, entitled to, or eligible for, the grant of furlough or pay in lieu of furlough (including pay to his dependants on his death) after a period of continuous service (being less than twenty years) specified in the law of the State in which he was employed, he or his dependants, as the case may be, shall, after the expiration of that period of continuous service, be entitled to or eligible for, a grant of furlough or pay in lieu of furlough for a period equal to the period to or for which he would have been entitled or eligible if he had continued to be employed in the State Public Service and his service with the Commonwealth were reckoned as service in the State Public Service.

Furlough.

“(2.) Where any such State employee is granted furlough as provided in sub-section (1.) of this section or has been, prior to his being so appointed or employed, granted furlough under the law

referred to in that sub-section, the period of the furlough so granted shall be deducted from the period of leave for which he is eligible or in respect of which payment may be authorized under the provisions of section seventy-three of this Act or of section seven of the *Commonwealth Employees' Furlough Act 1943-1944*.

"(3.) For the purposes of this section, 'furlough' includes long leave of absence, long service leave, extended leave and any other leave of absence in the nature of furlough (howsoever referred to)."

6. After section eighty-two of the Principal Act the following section is inserted in Division 10 of Part III.:-

Continuation of
employment of
temporary
employees

"82A. A person, not being a State employee as defined in section eighty-one A of this Act, who was, immediately prior to the commencement of this section, holding office as an employee under regulation ten of the National Security (Man Power) Regulations, shall for all purposes of this Act be deemed to be a person temporarily employed under section eighty-two of this Act and the period of his continuous service under that regulation immediately prior to such commencement shall be deemed to be temporary service in the Commonwealth Service."

SUPERANNUATION (No. 2).

No. 30 of 1945.

An Act to amend the *Superannuation Act 1922-1943*, as amended by the *Superannuation Act 1945*.

[Assented to 16th August, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :-

Short title
and citation.

1.—(1.) This Act may be cited as the *Superannuation Act (No. 2) 1945*.

(2.) Section one of the *Superannuation Act 1945* is amended by omitting sub-section (3.).

(3.) The *Superannuation Act 1922-1943**, as amended by the *Superannuation Act 1945†*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1945*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Parts.

3. Section three of the Principal Act is amended by inserting after the words "Part IVc.—Williamstown Dockyard Employees." the words "Part IVd.—Special Provisions in Relation to Certain Former State Employees."

* Act No. 33, 1922, as amended by No. 45, 1924; No. 22, 1930; No. 10, 1931; No. 45, 1934; No. 28, 1937; No. 53, 1942; and No. 18, 1943.

† Act No. 15, 1945.

4. After Part IVc. of the Principal Act the following Part is inserted :—

“PART IVd.—SPECIAL PROVISIONS IN RELATION TO CERTAIN FORMER STATE EMPLOYEES.

“60AN. In this Part, unless the contrary intention appears—

Definitions.

‘State employee’ means a person appointed or employed under Division 9A of Part III. of the *Commonwealth Public Service Act 1922–1943*, as amended by the *Commonwealth Public Service Act 1945*, who, immediately prior to his being so appointed or employed, was a contributor to a State Fund ;

‘State Fund’ means any fund or account established under the law of a State to provide superannuation or other similar benefits for persons employed in the State Public Service ;

‘State Public Service’ has the same meaning as in section eighty-one A of the *Commonwealth Public Service Act 1922–1943*, as amended by the *Commonwealth Public Service Act 1945*.

“60AO.—(1.) Notwithstanding the provisions of section four B and of section four c of this Act, a State employee who, within three months after his appointment to or the commencement of his employment in the Commonwealth Service, elects to contribute in accordance with this section and pays to the Board the contributions refunded to him from the State Fund upon his resignation from the State Public Service, shall be liable to make, and, from and including the date of that appointment or of the commencement of that employment, shall be deemed to have been liable to make, contributions to the fund for so many units of pension (including, where necessary, a fraction of a unit) as the actuarial member of the Board certifies will entitle that employee to benefits equivalent to those to which he would have been entitled if he had continued to contribute to the State Fund at the rate at which he was, immediately prior to his being so appointed or employed, contributing to the State Fund, and his contributions in respect of those units of pension shall, subject to sub-section (3.) of this section, be at the same rate.

Superannuation rights and obligations of certain persons formerly employed by the States

“(2.) Subject to this Act, any such State employee shall for all purposes of this Act be deemed to be a contributor—

(a) in the case of a female employee who contributed to a State Fund for pension on retirement at the age of fifty-five years—at rates based on a retiring age of sixty years ; and

(b) in any other case—at rates based on the same retiring age as the age at which the employee was, under the law of the State, entitled to retire on full pension benefit.

“(3.) Where other tables of contributions are substituted for those set out in Schedule V., VI., VII. or VIII. to this Act, and the

rates in those other tables are higher than the rates in the tables prescribed in those Schedules, the contributions payable by a State employee in respect of the units of pension referred to in sub-section (1.) of this section shall be increased by such amount (if any) as the actuarial member of the Board, having regard to the retiring age on which the contributions of the State employee are based, certifies is equivalent to the difference between the higher rates and the rates so prescribed which are appropriate to that age.

“(4.) Nothing in sub-section (1.) of this section shall affect the obligation of any such State employee to contribute, in accordance with the provisions of this Act, for units of pension in excess of those referred to in that sub-section but if, at the date of his appointment to or the commencement of his employment in the Commonwealth Service, he is required by section thirteen of this Act to contribute for any additional units of pension, he shall not, if he has attained the age of forty years, contribute for those units unless, within a period of six months after that date, he satisfies the Board that he is not suffering from any physical or mental defect likely to render him incapable of performing his duties before attaining the maximum age for retirement.

Commencement
of contributions
for certain
purposes

“60AP. In the application of section twenty-five of this Act to a State employee referred to in section sixty AO of this Act, the State employee shall be deemed to have been an employee as from the date of commencement of his contributions to the State Fund.

Payments on
retrenchment,
resignation,
dismissal or
discharge

“60AQ.—(1.) In the application of section thirty-nine of this Act to a State employee referred to in section sixty AO of this Act—

- (a) the contributions refunded to, and paid by, him to the Board in accordance with the provisions of section sixty AO of this Act shall be deemed to be contributions made by him to the fund; and
- (b) the period during which he was contributing to a State Fund shall be taken into account as if it were a period during which he was contributing to the fund.

“(2.) In the application of section forty of this Act to a State employee referred to in section sixty AO of this Act, the contributions refunded to, and paid by, him to the Board in accordance with the provisions of section sixty AO of this Act shall be deemed to be contributions made by him to the fund.

Certain
amounts to be
paid by
Commonwealth
to Fund.

“60AR. Where a State employee referred to in section sixty AO of this Act is retired on the ground of invalidity, or physical or mental incapacity to perform his duties, or dies, within five years after his appointment to, or the commencement of his employment in, the Commonwealth Service, any pension payable to or in respect of that State employee under this Act shall be paid from the fund, and the Commonwealth shall pay to the fund the amount by which the proportion of the pension equivalent to the contributions made by or in respect of the State employee is less than the amount of the pension.

“ 60AS. Where any pension becomes payable to or in respect of a State employee referred to in section sixty AO of this Act, any payment which the Commonwealth is required, by section eighteen or nineteen of this Act, to pay to the fund in respect of that State employee shall be increased by such amount as the actuarial member of the Board certifies to be necessary by reason of that State employee having made contributions at rates less than the rates specified in the appropriate Schedules to this Act.

Increased
contributions by
Commonwealth.

“ 60AT. Any contributions refunded to a State employee and paid by him to the Board in pursuance of section sixty AO of this Act shall be paid into and form part of the fund.”.

Payment into
the fund of
amounts
received in
respect of past
contributions.

AUSTRALIAN NATIONAL AIRLINES.

No. 31 of 1945.

An Act to provide for the Establishment and Operation of National Airline Services by the Commonwealth and for other purposes.

[Assented to 16th August, 1945.]

WHEREAS, in order to ensure, amongst other things, that— Preamble

- (a) trade and commerce with other countries and among the States are fostered and encouraged to the greatest possible extent;
- (b) the maintenance and development of the Defence Force of the Commonwealth in relation to the defence of Australia by air and the establishment of plant and equipment necessary for that Force are assured;
- (c) the development of the Territories is promoted with the utmost expedition; and
- (d) the carriage of mail by air within Australia is promoted to meet the needs of the people of Australia,

it is expedient to provide for the matters hereinafter set out :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Australian National Airlines Act* Short title.
1945.

Commencement. 2. This Act shall come into operation on a date to be fixed by Proclamation.

Parts. 3. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—The National Airline Services.

Division 1.—Establishment and Constitution of the Australian National Airlines Commission.

Division 2.—Powers, Functions and Duties of the Commission.

Division 3.—Finances of the Commission.

Division 4.—Reports.

Part III.—Compulsory Acquisition of Aircraft and other Property.

Part IV.—Limitations in respect of Airline Services.

Part V.—Compensation.

Part VI.—Penalties and Procedure.

Part VII.—Miscellaneous.

Definitions.

4. In this Act, unless the contrary intention appears—

“ Acting Commissioner ” means a person appointed to perform the functions of a Commissioner during the illness or absence of a Commissioner ;

“ adequate airline service ” means—

(a) an interstate airline service which is adequate to meet the needs of the public for interstate transport by air between scheduled stopping places of the service ; or

(b) a Territorial airline service which is adequate to meet the needs of the public for transport by air between scheduled stopping places of the service of which at least one is within a Territory of the Commonwealth ;

“ airline licence ” means an air-line licence under the Air Navigation Regulations ;

“ Air Navigation Regulations ” means the Air Navigation Regulations under the *Air Navigation Act* 1920-1936 or those regulations as amended from time to time, and includes any regulations in substitution for those regulations ;

“ air service ” means a service established or conducted by the Commission for the transport by air of passengers or goods ;

“ Australia ” includes the Territories of the Commonwealth ;

“ Chairman ” means Chairman of the Commission and includes a Commissioner or person appointed to act as Chairman ;

“ Commissioner ” means member of the Commission and includes an Acting Commissioner ;

“ contractor ”, in relation to an interstate airline service or a Territorial airline service, means a person with whom the Commission has entered into a contract in pursuance of section twenty-three of this Act to conduct that service ;

- “goods” includes merchandise and chattels of every description, and animals alive or dead ;
- “interstate airline service” means a service providing for the transport by air, for reward, of passengers or goods and operating from one place in Australia to another place in Australia and having scheduled stopping places in two or more States ;
- “owner” in relation to goods, includes any consignor, consignee, shipper or agent for sale or custody of the goods ;
- “scheduled stopping places”, in relation to any airline service, means the terminal and scheduled intermediate stops specified in the conditions of any airline licence issued in respect of the service and includes such other stopping places as are prescribed ;
- “Territorial airline service” means a service (not being an interstate airline service) providing for the transport by air, for reward, of passengers or goods and having a scheduled stopping place in a Territory of the Commonwealth ;
- “the Commission” means the Australian National Airlines Commission established under this Act ;
- “the licensing authority” means the authority having power to issue an airline licence ;
- “this Act” includes the regulations and by-laws made under this Act.

5. This Act shall extend to all Territories of the Commonwealth.

Extension of
Act to
Territories.

PART II.—THE NATIONAL AIRLINE SERVICES.

Division 1.—Establishment and Constitution of the Australian National Airlines Commission.

6.—(1.) For the purposes of this Act, there shall be a Commission to be known as the Australian National Airlines Commission which, for those purposes and subject to the provisions of this Act, shall have and may exercise the rights, powers, authorities and functions conferred, and shall be charged with and perform the duties and obligations imposed, upon it by this Act.

Australian
National
Airlines
Commission.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice and shall presume that it was duly affixed.

(4.) The Head Office of the Commission shall be established at such place as the Minister, on the recommendation of the Commission, appoints.

7.—(1.) The Commission shall consist of five Commissioners.

Composition of
Commission.

(2.) One of the Commissioners shall be appointed to be Chairman and one shall be appointed to be Vice-Chairman of the Commission.

(3.) The Commissioners shall be appointed by the Governor-General.

Term of
office of
Commissioners.

8.—(1.) Subject to this Act, the period for which the Commissioners first appointed under this Act shall hold office shall be, in the case of the Chairman, five years, in the case of the Vice-Chairman, four years, and in the case of the remaining Commissioners, four years, three years and two years respectively.

(2.) After the appointment of the five Commissioners first appointed under this Act, each further appointment shall be for a period of three years.

(3.) In the event of a Commissioner ceasing to hold office prior to the termination of the period of his appointment, another Commissioner may be appointed in his place for the remainder of that period.

(4.) Each person who is appointed a Commissioner shall, upon the expiration of the term for which he was appointed, be eligible for re-appointment.

Remuneration
of
Commissioners

9.—(1.) The remuneration of the Commissioners shall be—

- (a) in the case of the Chairman—at such rate per annum as the Governor-General approves ;
- (b) in the case of the Vice-Chairman—at the rate of Five hundred pounds per annum ; and
- (c) in the case of each other Commissioner—at the rate of Four hundred pounds per annum.

(2.) The Commissioners shall receive travelling and other allowances at such rates as the Governor-General determines.

Absence of
Chairman.

10.—(1.) In case of the absence (whether through illness or otherwise) of the Chairman, the Vice-Chairman, if present, shall act as Chairman.

(2.) In case of the absence (whether through illness or otherwise) of both the Chairman and the Vice-Chairman, the Commissioners present may appoint one of their number to act as Chairman :

Provided that the Governor-General may, if he thinks fit, appoint a person to act as Chairman for such period as the Governor-General specifies.

(3.) If the Governor-General appoints a person to act as Chairman, the appointment shall be at such remuneration as is determined by the Governor-General, not exceeding the remuneration fixed, in the case of the Chairman, in pursuance of section nine of this Act.

Illness or
absence of
Commissioners.

11.—(1.) In case of the absence (whether through illness or otherwise) of any other Commissioner, the Governor-General may, if he thinks fit, appoint a person to perform the functions of the Commissioner during that absence.

(2.) The remuneration of any person so appointed shall be determined by the Governor-General, but shall not exceed the remuneration fixed by paragraph (c) of sub-section (1.) of section nine of this Act.

Determination
of conditions
of leave of
absence of
Commissioners.

12. The Governor-General may grant leave of absence to any Commissioner upon such conditions as to remuneration or otherwise as the Governor-General thinks fit.

13. The Governor-General may terminate the appointment of a Commissioner or an Acting Commissioner for inability, inefficiency or misbehaviour.

Dismissal of a
Commissioner
or Acting
Commissioner.

14.—(1.) A Commissioner shall be deemed to have vacated his office—

Vacation of
office

- (a) if his appointment is terminated by the Governor-General in pursuance of this Act ;
- (b) if he becomes bankrupt or compounds with his creditors or makes any assignment of his remuneration for their benefit or takes advantage of any provision of any Act relating to bankruptcy ;
- (c) if he becomes of unsound mind ;
- (d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General ;
- (e) if he absents himself (except with leave granted by the Governor-General) from three consecutive meetings of the Commission ; or
- (f) if he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—
 - (i) becomes concerned or interested in any contract or agreement entered into by or on behalf of the Commission ; or
 - (ii) participates, or claims to participate, in the profit of any such contract or agreement or in any benefit or emolument arising from the contract or agreement.

(2.) A Commissioner shall not be deemed—

- (a) to become concerned or interested in any contract or agreement specified in paragraph (f) of the last preceding sub-section ; or
- (b) to participate, or claim to participate, in the profit of, or in any benefit or emolument arising from, any such contract or agreement,

by reason only of his entering into, or obtaining any benefit arising from, a contract or agreement between the Commission and himself for the transport, by the Commission, of himself or any other person or of any goods.

15.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman or at least three other Commissioners, are necessary for the efficient conduct of its affairs.

Meetings of
Commission.

(2.) At meetings of the Commission three Commissioners shall form a quorum, and the Chairman shall have a deliberative vote, and, in the event of an equality of votes, a second or casting vote.

(3.) Any question arising at any meeting of the Commission shall be determined by a majority of the votes of the Commissioners present.

(4.) The general manager shall, as far as practicable, attend all meetings of the Commission :

Provided that, if the Commission so directs, he shall temporarily retire from any meeting.

Delegation of
powers by
Commission.

16.—(1.) The Commission may in relation to any particular matters or class of matters or to any particular part of Australia, by writing under its seal, delegate to any officer or employee or other prescribed person all or any of its powers under this Act (except this power of delegation), so that the delegated powers may be exercised by him with respect to the matters or class of matters or the part of Australia specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power by the Commission.

Appointment
of officers.

17.—(1.) The Commission shall appoint a general manager, who shall be the chief executive officer of the Commission, and it may appoint such other officers as it thinks necessary.

(2.) The officers of the Commission shall constitute the Service of the Commission.

(3.) A person shall not be admitted to the Service of the Commission unless—

- (a) he is a natural-born or naturalized British subject ;
- (b) the Commission is satisfied, upon such medical examination as is prescribed, as to his health and physical fitness ; and
- (c) he makes and subscribes an oath or affirmation of allegiance in accordance with the prescribed form,

and shall not be appointed to a clerical office in that Service unless he has in open competition successfully passed the prescribed entrance examination :

Provided that the Commission may appoint, to such positions or positions of such classes as are prescribed, persons who do not possess all the qualifications specified in this sub-section.

(4.) Appointments to positions which are open only to persons who have passed the prescribed entrance examination shall be made in order of merit of their passing that examination.

(5.) Adequate notice and particulars of the prescribed entrance examination shall be given by the Commission, to the public, by advertisement in the *Gazette* and daily newspapers.

(6.) The rate of salary payable to the general manager shall be subject to the approval of the Governor-General.

(7.) The rate of salary payable to any other officer shall, if it exceeds the rate of Fifteen hundred pounds per annum, be subject to the approval of the Minister.

(8.) Officers appointed by the Commission shall, subject to this section, be subject to such terms and conditions of employment (including conditions with respect to punishment for breaches of discipline) as are determined by the Commission.

(9.) Where an officer appointed in pursuance of this section was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Commission shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and this section had been specified in the Schedule to that Act.

18. The Commission may appoint such temporary or casual employees as it thinks fit, on such terms and conditions as the Commission determines.

Temporary and casual employees.

Division 2.—Powers, Functions and Duties of the Commission.

19.—(1.) For the purposes of this Act and subject to the provisions of this Act and of the Air Navigation Regulations and with full regard to safety, efficiency and economy of operation the Commission may do all that is necessary or convenient to be done for, or as incidental to, in relation to, or in connexion with, the establishment, maintenance or operation by the Commission of airline services for the transport, for reward, of passengers and goods by air—

General functions and duties of Commission.

- (a) between any place in a State and any place in another State ;
- (b) between any place in any Territory of the Commonwealth and any place in Australia outside that Territory ; and
- (c) between any place in any Territory of the Commonwealth and any other place in that Territory.

(2.) It shall be the duty of the Commission to exercise the powers conferred by the last preceding sub-section, as fully and adequately as may be necessary to satisfy the need for the services specified in that sub-section, and to carry out the purposes of this Act.

(2.) The Commission, with the approval of the Minister, shall have, and may exercise in relation to airline services between any place in Australia and any place outside Australia, the like powers as it has in relation to airline services specified in sub-section (1.) of this section.

20. The Commission may, in the conduct of any air service, transport by air all such passengers and goods as are offered for that purpose, and may demand such fares and charges and impose such conditions in respect of that transport as are determined in accordance with the provisions of the relevant airline licences issued to the Commission.

Commission may demand fares, &c.

21.—(1.) Subject to this Act, the Commission may—

- (a) acquire by lease or purchase any land, buildings, easements or other property (whether real or personal), rights or privileges which it thinks necessary for the purposes of this Act ; and
- (b) exchange, lease, dispose of, turn to account or otherwise deal with, any property, rights or privileges of the Commission.

Power to purchase and dispose of assets.

(2.) The Commission shall not, without the approval of the Minister—

- (a) acquire by purchase any land the cost of acquisition of which exceeds the sum of Five thousand pounds ;
- (b) enter into any lease of land for a period exceeding five years :
or
- (c) in any manner dispose of any property, right or privilege having an original or book value exceeding the sum of Five thousand pounds.

(3.) The Commission shall not, without the consent of the Minister, enter into any contract in any case where the contract is for the supply, either directly or indirectly, from places outside Australia, of aircraft, equipment or materials of a greater value than Ten thousand pounds.

Contracts for
transport of
mails.

22. The Commission may enter into any agreement or contract with the Minister on behalf of the Commonwealth for the transport of mails by air.

General
contractual
powers of
Commission.

23. Subject to this Act, the Commission may contract for the execution of any work or service authorized by this or any other Act to be executed by the Commission, in such manner, upon such terms, for such sums, and under such stipulations, conditions, and restrictions as the Commission thinks proper.

Commission to
be common
carrier

24. For the purposes of this Act the Commission shall be deemed to be a common-carrier of passengers and goods and (except as by this Act otherwise provided) shall be subject to the obligations and entitled to the privileges of common carriers of passengers and goods.

Alterations
made by
direction of
Minister.

25.—(1.) The Minister may, if he is satisfied that it is in the interests of the development of Australia so to do, direct the Commission to establish, alter or continue to maintain any interstate airline service or Territorial airline service specified by the Minister.

(2.) If, at the direction of the Minister, the Commission establishes, alters or continues to maintain an airline service and satisfies the Minister that the airline service so established, altered or continued to be maintained has been operated at a loss in any financial year and if, after due provision is made for reserves, a loss results in that financial year from the whole of the operations of the Commission, the Commission shall be entitled to be reimbursed by the Commonwealth to the extent of the first-mentioned loss or to the extent of the second-mentioned loss, whichever is the less.

Contracts by
the
Commission—
how made.

26.—(1.) Any contract which, if made between private persons, would by law be required to be in writing and under seal, may be made by the Commission in writing in its corporate name under its common seal, and may be varied or discharged in the same manner.

(2.) Any contract which, if made between private persons, would by law be required to be in writing and signed by the parties to be charged with the contract, may be made by the Commission in writing in its corporate name, and may be varied or discharged in the same manner.

(3.) Every contract made according to the provisions contained in this section and duly executed by the parties to the contract respectively shall be effectual in law and shall be binding upon the Commission and all other parties to the contract, their successors, heirs, executors and administrators.

27. The Commission may compound and agree with any person with whom any contract has been entered into by the Commission in pursuance of, or under the authority of, this Act, or against whom any action or suit is brought for any penalty contained in the contract, or in any bond or other security for the performance of the contract, or for or on account of any breach or non-performance of the contract, bond or security, for such sum of money or other consideration as the Commission thinks proper.

Commission may compound for breach of contract.

28. Nothing in this Act shall be construed to confer on the Commission any powers which, for the time being, are exercisable under the Air Navigation Regulations by the Minister or any other authority.

Limitation of powers.

29. The provisions of the Air Navigation Regulations shall, so far as applicable, apply to and in relation to the Commission in like manner as they apply to and in relation to other persons.

Application of Air Navigation Regulations.

Division 3.—Finances of the Commission.

30. For the purposes of enabling the Commission to meet such expenditure as is necessary for the purposes of this Act, the Treasurer may advance to the Commission—

Advance for expenses.

(a) out of the Consolidated Revenue Fund or out of the proceeds of any loan raised under the authority of any Act, which Fund and which proceeds are hereby appropriated accordingly, such amounts, not exceeding in all the sum of Three million pounds; and

(b) out of such sums as are from time to time appropriated by the Parliament for the purpose, such further amounts, as are, in the opinion of the Minister, required by the Commission, and the Commission may accept those advances but shall not otherwise borrow moneys.

31. The terms and conditions of any advances made by the Treasurer to the Commission, including the security and basis of re-payment, shall be as determined by the Treasurer.

Terms and conditions of advances.

32. The Commission shall prepare estimates, in such form as the Minister directs, of its receipts and expenditure for each financial year and shall submit those estimates to the Minister.

Commission to prepare annual estimates.

**Moneys
uninvested
may be lodged
in Bank.**

33. Moneys held by the Commission which are uninvested may be lodged either in an account at call or on fixed deposit, or partly in an account at call and partly on fixed deposit, with the Commonwealth Bank of Australia or with such other bank as the Minister approves, and while so lodged shall be held to be moneys of the Crown.

**Application of
moneys.**

34. Subject to this Act, the moneys of the Commission may be applied as follows:—

- (a) In payment of the expenses and charges and in discharge of other obligations incurred or undertaken by the Commission in the exercise of its powers, duties and functions under this Act;
- (b) In payment of the remuneration and allowances of the Commissioners and the salaries, wages and allowances of officers and employees of the Commission; and
- (c) In investment in any securities of, or guaranteed by, the Government of the Commonwealth.

Accounts.

35. The Commission shall keep its accounts in such form as is approved by the Treasurer.

Audit.

36.—(1.) The accounts of the Commission shall be subject to inspection and audit, at least once yearly, by the Auditor-General for the Commonwealth.

(2.) The Auditor-General shall report to the Minister the result of each inspection and audit.

**Liability of
Commission to
pay rates,
taxes and
charges.**

37. The Commission shall pay all rates, taxes and charges (other than income tax) imposed by or under any law of the Commonwealth and such other rates, taxes or charges as the Minister specifies.

Reserves.

38.—(1.) The Commission may, with the approval of the Treasurer, set aside, out of its revenue, such sums as it thinks proper as reserves for depreciation of assets, insurance or other purposes.

(2.) Any sums so set aside shall, until required for the purposes of any reserve, be invested by the Commission in any securities of, or guaranteed by, the Government of the Commonwealth.

**Application of
profits of
Commission.**

39. Subject to the last preceding section, any profits derived from the operations of the Commission shall be applied—

- (a) firstly, in payment of interest charged on moneys advanced to the Commission by the Treasurer under this Act;
- (b) secondly, in payment of such amounts as the Treasurer determines in accordance with section thirty-one of this Act towards re-payment of the advances so made;
- (c) thirdly, with the approval of the Minister given with the concurrence of the Treasurer, in the establishment and development of airline services or in making such payments as are necessary for the purposes of the Commission; and
- (d) fourthly, in such manner as the Minister, with the concurrence of the Treasurer, directs.

Division 4.—Reports.

40.—(1.) The Commission shall, as soon as possible after the close of each financial year, submit to the Minister an annual report with respect to the operations of the Commission and financial accounts, in respect of that year, in such form as the Treasurer approves.

Annual report
by Commission.

(2.) The annual report and financial accounts, accompanied by a certificate of the Auditor-General, shall be laid before both Houses of the Parliament within fifteen sitting days after their receipt by the Minister.

41. The Commission shall furnish all such reports, documents, and information relating to the operations of the Commission as the Minister requires.

Further reports
to Minister.

PART III.—COMPULSORY ACQUISITION OF AIRCRAFT AND OTHER PROPERTY.

42. The Commission may for the purposes of this Act, by notice served on the owner or published in the *Gazette*, acquire any aircraft or other property (not being land) required for the purposes of the Commission.

Power to
acquire.

43. Upon the service of the notice on the owner or the publication of the notice in the *Gazette* the aircraft or property described in the notice shall, by force of this Act—

Property to
vest in
Commission.

(a) become the absolute property of the Commission ; and

(b) be freed and discharged from all trusts, obligations, interests, contracts, charges, liens and pledges affecting the aircraft or property,

and the rights and interests of every person in the aircraft or other property (including any rights or interests arising in respect of any moneys advanced in respect of the aircraft or property) shall thereupon be converted into claims for compensation, which may be made and shall be dealt with in accordance with the provisions of this Act.

44. Where any property is acquired under section forty-two of this Act, the person from whom the property is acquired, and every person in whose possession or custody or under whose control the property may be, shall deliver up the property in accordance with the terms of the notice by which the acquisition is made.

Duty of owner
to deliver up
possession of
property
acquired.

Penalty : One hundred pounds or imprisonment for six months, or both.

45. For the purpose of enabling the Commission to exercise the power conferred by section forty-two of this Act and for facilitating that exercise, the Commission and any person thereto authorized by the Commission shall have such powers as are prescribed.

Power to
require the
doing of acts,
&c., to facilitate
acquisition of
property.

PART IV.—LIMITATIONS IN RESPECT OF AIRLINE SERVICES.

46.—(1.) Where an airline licence is issued to the Commission in respect of an interstate airline service and the Commission has established that service, any airline licence held by any person, other

Airline
licences to be
inoperative
in certain
circumstances.

than the Commission or a contractor, in respect of any interstate airline service which provides interstate transport by air between any of the scheduled stopping places of the service established by the Commission, shall, by virtue of this section (unless it has been issued in respect of a section of an international airline service authorized by the Commonwealth), and insofar as it authorizes interstate transport by air between any of those stopping places of passengers or goods embarked or loaded for transport solely between those stopping places, be inoperative so long as there is an adequate airline service between those stopping places by reason only of the services operated by the Commission and the services operated by contractors.

(2.) Where an airline licence is issued to the Commission in respect of a Territorial airline service and the Commission has established that service, any airline licence held by any person, other than the Commission or a contractor, in respect of any airline service which provides transport by air between any of the scheduled stopping places of the service established by the Commission, not being places in a State, shall, by virtue of this section (unless it has been issued in respect of a section of an international airline service authorized by the Commonwealth) and insofar as it authorizes transport by air between any of those stopping places of passengers or goods embarked or loaded for transport solely between those stopping places, be inoperative so long as there is an adequate airline service between those stopping places by reason only of the services operated by the Commission and the services operated by contractors.

Limitation
with respect
to issue of
airline
licences.

47. The licensing authority shall not issue to any person, other than the Commission or a contractor to whom the Commission has requested the licensing authority to issue the licence—

(a) in respect of an interstate airline service (not being a section of an international airline service authorized by the Commonwealth)—an airline licence which would authorize interstate transport by air between any scheduled stopping places of any airline service operated by the Commission or any contractor; or

(b) in respect of a Territorial airline service (not being a section of an international airline service authorized by the Commonwealth)—an airline licence which would authorize transport by air between any scheduled stopping places, not being places in a State, of any airline service operated by the Commission or any contractor,

unless, and except to the extent to which, the licensing authority is satisfied that, having regard to the airline services operated by the Commission and contractors, the issue of the licence is necessary to meet the needs of the public with respect to interstate airline services or Territorial airline services.

Notice by
Commission
of proposal
to establish
airline service.

48. Where the Commission applies for an airline licence for an airline service it shall—

(a) publish in the *Gazette* and daily newspapers a notice of the fact; and

- (b) at least thirty days before establishing the service, publish in the *Gazette* and daily newspapers notice of the day on which the service is to be established.

49. A person shall not enter into a contract—

- (a) to transport by air for reward any person or goods ;
 (b) to be transported by air for reward ; or
 (c) to have any other person or any goods transported by air for reward,

Limitation-
on power to
contract.

in the course of the operation of any prescribed interstate airline service or Territorial airline service operated by any person, other than a person holding an airline licence in respect of that service, not being a licence which is operative by virtue of section forty-six of this Act.

Penalty · Five hundred pounds.

PART V. — COMPENSATION.

50.—(1.) For the purposes of this Part there shall be a Compensation Board, consisting of a Chairman and two other persons, appointed by the Minister.

Compensation
Board

(2.) The Compensation Board shall include—

- (a) a person who holds, or has held office as a Police, Stipendiary or Special Magistrate, who shall be the Chairman ; and
 (b) a qualified practising accountant.

(3.) The Minister may appoint one or more persons having specialized knowledge of the subject-matter of the claim to act as assessors to assist the Compensation Board.

(4.) At least one of the assessors appointed to assist the Board or, where only one assessor is appointed, that assessor, shall be a person who is not otherwise in the employ of the Commonwealth or an authority of the Commonwealth.

(5.) There may be paid to any member of the Compensation Board and to any assessor such remuneration (if any) for his services and such travelling allowances (if any) as the Minister directs.

(6.) Where, during or after the hearing of any claim, the Chairman, or either of the other members of the Compensation Board, is unable on account of death, illness or otherwise to proceed with the hearing or determination, the remaining members may continue with the hearing and determination, or the determination, as the case may be.

(7.) A member who has been absent during any part of the hearing of a claim shall not be eligible to take any further part in the hearing and determination of that claim.

(8.) If the Commission and the claimant consent, the Chairman of the Compensation Board may sit alone for the hearing of any claim, and in any such case the determination of the Chairman shall be of the same force and effect as if it were the determination of the Board.

51.—(1.) The Minister may appoint a person (including a member of the Board) to be the Deputy Chairman of the Compensation Board during any absence of the Chairman. Deputies.

(2.) The Minister may appoint a person to be the Deputy of any member (other than the Chairman) of the Compensation Board during any absence of the member, or at any time when the member is acting as Deputy of the Chairman of the Board.

(3.) A person appointed under this section shall, while acting as Deputy, have all the powers and perform all the functions of the member of the Board for whom he is the Deputy, and any reference in this Act to a member of the Board shall be read as including a reference to the Deputy of a member so acting.

(4.) It shall not be necessary for a person appointed under this section to have any qualification possessed by the member of whom he is appointed to be the Deputy.

Claims for
compensation.

52.—(1.) Any person who suffers loss or damage by reason of any acquisition of property under Part III. of this Act or by reason of the application of section forty-six of this Act to an airline licence, shall, subject to this section, be paid such compensation as is determined by agreement between the Commission and the person concerned.

(2.) In the absence of any such agreement, the person suffering any such loss or damage may, within six months after the acquisition or application of section forty-six of this Act on which the claim is based or within such further period as the Commission allows, make a claim in writing to the Commission for compensation.

(3.) A claim for compensation under this section shall state—

- (a) the amount of compensation claimed ;
- (b) the nature of the interest on which the claim is founded ;
- (c) whether the claimant is aware of any, and if so what, interests in the property or airline licence vested in any other person ; and
- (d) the claimant's address for service of notices.

(4.) Where any person referred to in sub-section (2.) of this section has failed to make, within the period specified in that sub-section, a claim for compensation under this section, he may, notwithstanding the expiration of that period, apply to the High Court for leave to make a claim.

(5.) If the Court is satisfied that the failure to make a claim within that period was due to lack of knowledge of the acquisition or of the application of section forty-six of this Act to the airline licence or to a mistake or other reasonable cause, the Court may grant him leave to make a claim within such period as is specified by the Court.

(6.) An application to the Court for leave under this section may be made to and determined by a single judge of the Court, sitting as or for the Court or in chambers, and the powers, practice and procedure of the Court in the application shall be as nearly as may be in accordance with its powers, practice and procedure in interlocutory applications in civil actions or suits.

53.—(1.) Where a claim for compensation is made in pursuance of the last preceding section, the Commission shall, as soon as practicable, serve on the claimant either by post at the address given in the claim or personally, a notice stating—

Determination
of
compensation.

(a) the amount of compensation which it considers reasonable ;
or

(b) that, in its opinion, the claimant is not entitled to any compensation,

as the case may be.

(2.) Where a notice in pursuance of paragraph (a) of the last preceding sub-section is served on the claimant, it shall be deemed to be an offer accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the acquisition or of the application of section forty-six of this Act to the airline licence, and the amount shall be payable to him by the Commission according to the tenor of the notification, unless, within one month or such further period as the Minister allows after receipt of the notice, he requests the Commission, by notice served either by post at the address given in the notice served on the claimant or personally, to refer the claim to the Compensation Board.

(3.) Where a notice in pursuance of paragraph (b) of sub-section (1.) of this section is served on the claimant, he shall be deemed to have abandoned his claim for compensation and shall not have any right of action in respect of the subject-matter of the claim, unless, within one month or such further period as the Minister allows after the receipt of the notice, he requests the Commission, by notice served either by post at the address given in the notice served on the claimant or personally, to refer the claim to the Compensation Board.

(4.) If a notice in pursuance of sub-section (1.) of this section is not served on the claimant within two months after he makes a claim under the last preceding section, the claimant may by notice served by post or personally request the Commission to refer the claim to the Compensation Board.

(5.) Where the Commission has been requested to refer a claim to the Compensation Board, the Commission shall as soon as practicable forward the claim to the Compensation Board, together with a notice stating the address at which notices may be served by the Board on the Commission.

54.—(1.) Where the Commission refers a claim to the Compensation Board, the Board shall assess the compensation, if any, which it thinks just, and shall, as soon as practicable, serve—

Assessment by
Compensation
Board.

(a) on the Commission, by post at its address for service ; and

(b) on the claimant, either personally, or by post at the address given in the claim, or at his last-known place of abode or business,

a notice stating the compensation so assessed.

(2.) Subject to the next succeeding section the compensation so notified shall be deemed to be accepted by the claimant in full satisfaction of all claims for loss or damage suffered by reason of the acquisition or the application of section forty-six of this Act out of which the claim arose, and shall become payable to him by the Commission according to the tenor of the notification.

Applications
for review.

55.—(1.) If either the Commission or the claimant is dissatisfied with the assessment of the Compensation Board, the Commission or the claimant may, within one month after receipt of the notice of the assessment of the Board, apply to the High Court for a review of the assessment.

(2.) An application under the last preceding sub-section shall be made in writing to the Principal Registrar or a Deputy Registrar of the Court, and shall be accompanied by a true copy of the application for endorsement and service.

(3.) Upon receipt of the application, the Principal Registrar or the Deputy Registrar shall appoint a time for the hearing of the application, and shall endorse on the true copy of the application the place and time of hearing and return it to the applicant.

(4.) The applicant shall, not less than one month before the day fixed for the hearing, serve on the other party (in this section referred to as "the respondent") in accordance with the practice of the Court relating to service of writs or summonses, the endorsed copy of the application.

(5.) Upon the day fixed the Court may, on proof of due service of the copy of the application, or if the respondent appears to contest the application, proceed to hear the application, and to determine whether any compensation is payable and, if so, the compensation which it thinks just, and may make an order for payment by the Commission of the compensation so determined.

(6.) The Court may, in any review under this section, award such costs as it thinks fit.

(7.) In any matter not provided for in this Part the powers, practice and procedure of the Court shall be as nearly as may be in accordance with the powers, practice and procedure of the Court in civil actions or suits.

Limitation of
compensation.

56. In determining the compensation (if any) payable under this Part in respect of loss or damage suffered by reason of the application of section forty-six of this Act to any airline licence, the Minister, the Compensation Board or the High Court shall not have regard to any matter arising, or which might have arisen, out of anything done or expected to be done in or in relation to any period after the date on which, but for the application of that section to the licence, it would (if not renewed) have expired by effluxion of time.

Interest on
Compensation.

57. In any case where compensation, or part of the compensation, has not been paid within three months after the loss or damage in respect of which the compensation is payable was suffered, the Commission may, if in its discretion it thinks fit, authorize the payment

of interest at such rate (not exceeding four per centum per annum) as it determines on the compensation or part of the compensation for the period commencing three months after that loss or damage was suffered and ending on the date of payment.

58. No action, other than an action for the recovery of compensation determined by agreement or in pursuance of this Part, shall be maintained against the Commonwealth or the Commission or any other person in respect of any acquisition of property under Part III. or the application of section forty-six of this Act to any airline licence.

Other rights of action barred.

59.—(1.) The Governor-General may make rules as to the conduct of the proceedings of the Compensation Board and, in particular, as to—

Rules

- (a) the summoning and examination of witnesses and the production of books, documents and papers;
- (b) the administration of oaths and affirmations;
- (c) the protection of members of the Board and of witnesses summoned to attend or appearing before it;
- (d) the appearance or representation before the Board of the claimant and of the Commission; and
- (e) the fees payable to witnesses.

(2.) The *Acts Interpretation Act* 1901–1941 shall apply to rules made under this section in like manner as it applies to regulations.

PART VI.—PENALTIES AND PROCEDURE.

60. If on demand any person fails to pay the fares or charges due to the Commission in respect of any service rendered by the Commission, the Commission—

Recovery of fares or charges

- (a) may detain and sell all or any of the goods of the person which are in his possession, and out of the moneys arising from the sale retain the fares or charges so payable, and all charges and expenses of the detention, and shall render the surplus, if any, of the moneys arising by the sale and such of the goods as remain unsold, to the person entitled to that surplus; or
- (b) may recover the fares and charges in any court of competent jurisdiction.

61. If any person inflicts, through any act, neglect, or default whereby he has, on conviction, incurred any penalty imposed by this or any other Act, any damage upon any aircraft or other property vested in the Commission he shall be liable to pay that damage in addition to the penalty, and the amount of that damage shall be determined by the court by which he was convicted.

Damage to be made good in addition to penalty

62.—(1.) Any officer, employee or agent of the Commission and any person called by him to his assistance may seize and detain any person who has committed any offence against the provisions of this Act and

Arrest of offenders

whose name and residence are unknown to the officer, employee or agent, and may, without any warrant or other authority than this Act, convey him with all convenient despatch before a court of summary jurisdiction.

(2.) The court may proceed with all convenient despatch to the hearing and determination of the complaint against the offender.

(3.) Notwithstanding anything contained in any other Act, any justice or justices of the peace of a State sitting at any place as a court for the summary punishment of offences under the law of the State shall, at that place, have jurisdiction to hear and determine the complaint against an offender who is seized and detained under this section and who cannot be brought before a Police, Stipendiary or Special Magistrate within seventy-two hours after he has been brought to that place for the purpose of the hearing and determination of the complaint, or, if he was seized at that place, within seventy-two hours after he was so seized.

Limitation of
actions against
the
Commission.

63. All actions against the Commission or against any person for or arising out of anything done or purporting to have been done under this Act, shall be commenced within six months after the act complained of was committed.

Notices of
occurrence
of cause of
action and
of intended
action.

64.—(1.) No action against the Commission or any person for or arising out of anything done, or purporting to have been done, by it under this Act—

- (a) shall be maintainable unless, as soon as practicable after the occurrence of the cause of action, notice of the occurrence of the cause of action has been delivered to the Commission or the person or at the office of the Commission or the person by or on behalf of the person bringing the action; or
- (b) shall be brought until one month, at least, after a notice in writing of the intended action has been delivered to the Commission or the person, or left at the office of the Commission or the person, by the party intending to commence the action, or by his attorney or agent:

Provided that the want of, or any defect or inaccuracy in, the notice specified in paragraph (a) of this sub-section shall not be a bar to the maintenance of an action if it is found that the Commission or person is not or would not, if a notice were then given and the hearing postponed, be prejudiced in its or his defence by the want of, or the defect or inaccuracy in, the notice, or that the want of, or defect or inaccuracy in, the notice was occasioned by mistake or other reasonable cause.

(2.) The notice of the intended action shall clearly and explicitly state the cause of action and the court in which it is intended to be brought, and upon the back of the notice shall be endorsed the name and place of abode of the party so intending to sue, and also the name and place of abode or of business of the attorney or agent, if the notice was served by the attorney or agent.

PART VII.—MISCELLANEOUS.

65.—(1.) Upon the occurrence of any accident in connexion with the operation of any air service, the Commission may require any person, who, in the opinion of the Commission, may have been injured in the accident, to be examined at the cost of the Commission by one or more duly qualified medical practitioners nominated by the Commission and, unless the examination would thereby be delayed for a period of at least twenty-four hours, the person may require that the examination shall take place in the presence of a medical practitioner to be nominated and paid by the person.

Medical examination of persons injured in accident.

(2.) If any person refuses or fails to undergo examination in accordance with the provisions of the last preceding sub-section, no damages or compensation shall be recoverable against the Commission in respect of personal injury to that person arising out of the accident unless he satisfies the court in which the action is brought that—

- (a) his refusal or failure to undergo examination was reasonable in the circumstances; or
- (b) the Commission is not prejudiced in its defence by the refusal or failure of the person to undergo examination.

66. Subject to the *Carriage by Air Act 1935*, in any action brought against the Commission to recover damages or compensation in respect of personal injury, the court or jury shall not find or assess nor shall judgment be given or entered for the plaintiff for any amount of money exceeding the amount following, that is to say:—

Limit of damages for personal injury.

- If the personal injury results in death, Two thousand pounds;
- If the personal injury results in permanent disablement, Two thousand pounds;
- If the personal injury results in temporary disablement, One thousand pounds.

67. The *Commonwealth Employees' Compensation Act 1930-1944* shall apply to employees of the Commission as if they were employees within the meaning of that Act.

Application of the *Commonwealth Employees' Compensation Act 1930-1944*.

68. The Commission may enter into such contracts, agreements or arrangements as it thinks fit for the purpose of insuring, against the risks of injury, loss or damage from accidents occurring in connexion with the operation of air services, passengers or goods carried or about to be carried by aircraft engaged in those air services.

Insurance.

69.—(1.) The Commission may make by-laws, not inconsistent with this Act, prescribing matters providing for or in relation to—

By-laws.

- (a) the operation of the air services, and the conditions governing the performance of any service which the Commission may under this Act carry out or authorize;
- (b) the protection and preservation of property of, or in the custody or under the control of, the Commission;
- (c) the maintenance of order in connexion with the operation of the air services;

- (d) the disposal of unclaimed goods in the possession of the Commission ;
 - (e) the prohibition of any interference with the air services or any property of the Commission or of any interference with or obstruction of any officer or employee of the Commission ;
 - (f) the limitation of the liability of, and the conditions governing the making of claims upon, the Commission in respect of any damage to or loss of any goods ; and
 - (g) the provision of penalties not exceeding Fifty pounds or imprisonment for any period not exceeding three months for the breach of any by-law.
- (2.) No by-law shall have any force or effect until it has been—
- (a) approved by the Governor-General : and
 - (b) published in the *Gazette*.
- (3.) By-laws shall be deemed to be Statutory Rules within the meaning of the *Rules Publication Act* 1903–1941
- (4.) Sections forty-eight and forty-nine of the *Acts Interpretation Act* 1901–1941 shall apply to by-laws in like manner as they apply to regulations.

Regulations.

70. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds or imprisonment for any period not exceeding three months, or both, for breaches of the regulations.

CHARTER OF THE UNITED NATIONS.

No. 32 of 1945.

An Act to approve the Charter of the United Nations.

[Assented to 24th September, 1945.]

[Date of commencement, 22nd October, 1945.]

Preamble.

WHEREAS at the city of San Francisco on the twenty-sixth day of June, One thousand nine hundred and forty-five an instrument which is entitled the Charter of the United Nations and which provides for the establishment of an international organization to be known as the United Nations was signed on behalf of Australia :

AND WHEREAS it is desirable that the Charter of the United Nations should be approved by the Parliament :

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Charter of the United Nations Act* Short title
1945.

2. In this Act "the Charter of the United Nations" means the instrument so entitled which was signed at the city of San Francisco on the twenty-sixth day of June, One thousand nine hundred and forty-five and which provides for the establishment of an international organization to be known as the United Nations. Definition

3. The Charter of the United Nations (a copy of which is set out in the Schedule to this Act) is approved. Approval of Charter

THE SCHEDULE.

CHARTER OF THE UNITED NATIONS

WE THE PEOPLES OF THE UNITED NATIONS
DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
to promote social progress and better standards of life in larger freedom.

AND FOR THESE ENDS

to practise tolerance and live together in peace with one another as good neighbours, and
to unite our strength to maintain international peace and security, and
to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
to employ international machinery for the promotion of the economic and social advancement of all peoples.

HAVE RESOLVED TO COMBINE OUR EFFORTS
TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are :

1. To maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace ;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace ;

THE SCHEDULE—continued.

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter and shall refrain from giving assistance to any State against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

THE SCHEDULE—*continued*.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

*Composition**Article 9*

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

*Functions and Powers**Article 10*

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

THE SCHEDULE—*continued.**Article 13*

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
 - a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;
 - b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.
3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

*Voting**Article 18*

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

THE SCHEDULE—*continued*.*Article 19*

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

*Procedure**Article 20*

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

*Composition**Article 23*

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

*Functions and Powers**Article 24*

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

THE SCHEDULE—*continued.**Article 26*

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

*Voting**Article 27*

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

*Procedure**Article 28*

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI PACIFIC SETTLEMENT OF DISPUTES

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

THE SCHEDULE—*continued.**Article 34*

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

THE SCHEDULE—*continued.**Article 41*

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

THE SCHEDULE—*continued*.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII
REGIONAL ARRANGEMENTS*Article 52*

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

THE SCHEDULE—*continued.**Article 54*

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

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CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation;
- c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

*Composition**Article 61*

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

THE SCHEDULE—*continued*.*Functions and Powers**Article 62*

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

*Voting**Article 67*

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

*Procedure**Article 68*

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

THE SCHEDULE—*continued.**Article 70*

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligations to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end :

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses ;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement ;
- c. to further international peace and security ;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article ; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

THE SCHEDULE—*continued.**Article 76*

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be :

- a. to further international peace and security ;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement ;
- c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world ; and
- d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements :

- a. territories now held under mandate ;
- b. territories which may be detached from enemy states as a result of the Second World War ; and
- c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

THE SCHEDULE—*continued.**Article 83*

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII THE TRUSTEESHIP COUNCIL

*Composition**Article 86*

1. The Trusteeship Council shall consist of the following Members of the United Nations :

- a. those Members administering trust territories ;
- b. such of those Members mentioned by name in Article 23 as are not administering trust territories ; and
- c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

*Functions and Powers**Article 87*

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may :

- a. consider reports submitted by the administering authority ;
- b. accept petitions and examine them in consultation with the administering authority ;
- c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority ; and
- d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

THE SCHEDULE—*continued*.*Voting**Article 89*

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

*Procedure**Article 90*

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

CHAPTER XIV

THE INTERNATIONAL COURT OF JUSTICE

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV

THE SECRETARIAT

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

THE SCHEDULE—*continued.**Article 98*

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI
MISCELLANEOUS PROVISIONS*Article 102*

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

THE SCHEDULE—*continued*.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratification shall be deposited with the Government of the United States of America, which shall notify all the signatory States of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory States. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

THE SCHEDULE—*continued*.*Article 111*

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory States.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

STATUTE OF THE INTERNATIONAL COURT OF JUSTICE.

Article 1

The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

CHAPTER I

ORGANIZATION OF THE COURT

Article 2

The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juriconsults of recognized competence in international law.

Article 3

1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5

1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6

Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

THE SCHEDULE—*continued.**Article 7*

1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 9

At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 13

1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

THE SCHEDULE—*continued.**Article 14*

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Article 15

A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 16

1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.
2. Any doubt on this point shall be settled by the decision of the Court.

Article 17

1. No member of the Court may act as agent, counsel, or advocate in any case.
2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.
3. Any doubt on this point shall be settled by the decision of the Court.

Article 18

1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.
2. Formal notification thereof shall be made to the Secretary-General by the Registrar.
3. This notification makes the place vacant.

Article 19

The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20

Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21

1. The Court shall elect its President and Vice-President for three years; they may be re-elected.
2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22

1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.
2. The President and the Registrar shall reside at the seat of the Court.

Article 23

1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.
3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

THE SCHEDULE—*continued.**Article 24*

1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25

1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Article 26

1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27

A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28

The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29

With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30

1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31

1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the Chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

THE SCHEDULE—continued.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32

1. Each member of the Court shall receive an annual salary.
2. The President shall receive a special annual allowance.
3. The Vice-President shall receive a special allowance for every day on which he acts as President.
4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.
5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.
6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.
7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.
8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33

The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Article 34

1. Only states may be parties in cases before the Court.
2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.
3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35

1. The Court shall be open to the states parties to the present Statute.
2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.
3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Article 36

1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

THE SCHEDULE—*continued*.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37

Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38

1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III
PROCEDURE*Article 39*

1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40

1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

THE SCHEDULE—*continued.*

2 The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42

1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43

1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44

1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45

The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46

The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47

1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48

The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 49

The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

Article 50

The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

THE SCHEDULE—*continued*.*Article 51*

During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Article 52

After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Article 53

1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Article 54

1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

Article 55

1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Article 56

1. The judgment shall state the reasons on which it is based

2. It shall contain the names of the judges who have taken part in the decision.

Article 57

If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 58

The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Article 59

The decision of the Court has no binding force except between the parties and in respect of that particular case.

Article 60

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Article 61

1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

THE SCHEDULE—*continued.**Article 62*

1. Should a state consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63

1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64

Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV
ADVISORY OPINIONS*Article 65*

1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66

1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organization in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67

The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68

In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

Article 69

Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

THE SCHEDULE—*continued*.CHAPTER V
AMENDMENT*Article 70*

The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

[Here followed signatures of Representatives of the following nations :—

Argentine.	Ethiopia.	Paraguay.
Australia.	France.	Peru.
Belgium.	Greece.	Philippine Common-
Bolivia.	Guatemala.	wealth.
Brazil.	Haiti.	Saudi Arabia.
Byelo-Russian Soviet	Honduras.	Syria.
Socialist Republic.	India.	Turkey.
Canada.	Iran.	Ukrainian Soviet Social-
Chile.	Iraq.	ist Republic.
China.	Lebanon.	Union of South Africa.
Colombia.	Liberia.	Union of Soviet Socialist
Costa Rica.	Luxembourg.	Republics.
Cuba.	Mexico.	United Kingdom.
Czechoslovakia.	Netherlands.	United States of
Denmark.	New Zealand.	America.
Dominican Republic.	Nicaragua.	Uruguay.
Ecuador.	Norway.	Venezuela.
Egypt.	Panama.	Yugoslavia.]
El Salvador.		

APPROPRIATION 1945-46.

No. 33 of 1945.

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six, and to appropriate the Supplies granted by the Parliament for that year.

[Assented to 10th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, Preamble.
and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

1. This Act may be cited as the *Appropriation Act 1945-46*.

Short title

Commencement. **2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Issue and
application of**
£146,689,000.

3. The Treasurer may issue out of the Consolidated Revenue Fund and apply towards making good the supply hereby granted to His Majesty for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six, the sum of One hundred and forty-six million six hundred and eighty-nine thousand pounds.

**Appropriation
of supply**
£202,246,000.

4. All sums granted by this Act and the other Act mentioned in the First Schedule to this Act out of the Consolidated Revenue Fund towards making good the supply granted to His Majesty for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six, amounting as appears by that Schedule in the aggregate to the sum of Two hundred and two million two hundred and forty-six thousand pounds, are appropriated and shall be deemed to have been appropriated as from the first day of July, One thousand nine hundred and forty-five, for the purposes and services expressed in the Second Schedule to this Act in relation to the financial year ending the thirtieth day of June, One thousand nine hundred and forty-six.

THE SCHEDULES.

THE FIRST SCHEDULE.

GRANTS OUT OF THE CONSOLIDATED REVENUE FUND.

						£
Act No. 9 of 1945	..	..	..	..	..	55,557,000
Under this Act	..	..	..	..	..	146,689,000
						<hr/> 202,246,000 <hr/>

THE SECOND SCHEDULE

ABSTRACT.

PART I.—DEPARTMENTS AND SERVICES—OTHER THAN
BUSINESS UNDERTAKINGS AND TERRITORIES OF
THE COMMONWEALTH.

	£
PARLIAMENT	219,500
PRIME MINISTER'S DEPARTMENT	1,286,300
DEPARTMENT OF EXTERNAL AFFAIRS	260,500
DEPARTMENT OF THE TREASURY	2,362,000
ATTORNEY-GENERAL'S DEPARTMENT	403,400
DEPARTMENT OF THE INTERIOR	549,300
DEPARTMENT OF WORKS AND HOUSING	175,000
DEPARTMENT OF CIVIL AVIATION	717,000
DEPARTMENT OF TRADE AND CUSTOMS	767,000
DEPARTMENT OF HEALTH	211,000
DEPARTMENT OF COMMERCE AND AGRICULTURE	374,000
DEPARTMENT OF SOCIAL SERVICES	632,000
DEPARTMENT OF SUPPLY AND SHIPPING	288,000
DEPARTMENT OF EXTERNAL TERRITORIES	40,000
DEPARTMENT OF IMMIGRATION	216,000
DEFENCE AND WAR (1939-45) SERVICES—	£
DEPARTMENT OF DEFENCE	197,000
DEPARTMENT OF THE NAVY	31,815,000
DEPARTMENT OF THE ARMY	174,757,000
DEPARTMENT OF AIR	86,208,000
DEPARTMENT OF MUNITIONS	7,432,000
DEPARTMENT OF AIRCRAFT PRODUCTION	4,724,000
DEPARTMENT OF SUPPLY AND SHIPPING	8,326,000
DEPARTMENT OF HOME SECURITY	60,000
RECIPROCAL LEND-LEASE TO UNITED STATES FORCES	20,000,000
MISCELLANEOUS CREDITS	Cr. 25,000,000
OTHER WAR SERVICES	44,549,000
OTHER ADMINISTRATIONS—RECOVERABLE EXPENDITURE	Cr. 20,000,000
CREDITS FROM DISPOSALS COMMISSION	Cr. 28,000,000
	305,068,000
Less AMOUNT CHARGEABLE TO LOAN FUND	152,106,000
	152,962,000
MISCELLANEOUS SERVICES	1,007,000
REFUNDS OF REVENUE	5,000,000
ADVANCE TO THE TREASURER	10,000,000
WAR (1914-18) SERVICES	929,000
TOTAL PART 1	178,399,000
PART 2.—BUSINESS UNDERTAKINGS.	
COMMONWEALTH RAILWAYS	2,120,000
POSTMASTER-GENERAL'S DEPARTMENT	20,899,000
TOTAL PART 2	23,019,000
PART 3.—TERRITORIES OF THE COMMONWEALTH.	
NORTHERN TERRITORY	316,300
AUSTRALIAN CAPITAL TERRITORY	507,700
NORFOLK ISLAND	4,000
TOTAL PART 3	828,000
TOTAL	202,246,000

APPROPRIATION (WORKS AND BUILDINGS) 1945-46.

No. 34 of 1945.

An Act to grant and apply out of the Consolidated Revenue Fund a sum for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six, for the purposes of Additions, New Works, Buildings, &c., and to appropriate that sum.

[Assented to 10th October, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title.

1. This Act may be cited as the *Appropriation (Works and Buildings) Act 1945-46.*

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Issue and
application of
£8,640,000.

3. The Treasurer may issue out of the Consolidated Revenue Fund and apply towards making good the supply hereby granted to His Majesty for the service of the year ending the thirtieth day of June, One thousand nine hundred and forty-six the sum of Eight million six hundred and forty thousand pounds.

Appropriation.

4. The sum granted by this Act is appropriated for the purposes and services expressed in the Schedule to this Act in relation to the financial year ending the thirtieth day of June, One thousand nine hundred and forty-six.

THE SCHEDULE.

ABSTRACT.

Page reference.	—	1945-46.	1944-45.		Increase on expenditure, 1944-45.	Decrease on expenditure, 1944-45.
			Vote.	Expenditure.		
3	PART I.—DEPARTMENTS AND SERVICES—OTHER THAN BUSINESS UNDERTAKINGS AND TERRITORIES OF THE COMMONWEALTH ..	£ 3,648,000	£ 1,940,000	£ 1,842,903	£ 1,805,097	..
10	PART II.—BUSINESS UNDERTAKINGS ..	4,250,000	3,650,000	3,533,387	716,615	..
12	PART III.—TERRITORIES OF THE COMMONWEALTH ..	742,000	687,000	329,062	412,937	..
	Total Additions, New Works, Buildings, &c.	8,640,000	6,277,000	5,705,351	2,934,649	..

PHARMACEUTICAL BENEFITS.

No. 35 of 1945.

An Act to amend the *Pharmaceutical Benefits Act* 1944.

[Assented to 10th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Pharmaceutical Benefits Act* 1945. Short title and citation.

(2.) The *Pharmaceutical Benefits Act* 1944* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Pharmaceutical Benefits Act* 1944-1945.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section two of the Principal Act is repealed and the following section inserted in its stead:—

“2.—(1.) Sections one, two, three, four, five, six, ten, eleven, fourteen, fifteen, sixteen and twenty-seven of this Act shall commence on the date of commencement of the *Pharmaceutical Benefits Act* 1945. Commencement.”

“(2.) The remaining sections of this Act shall commence on a date to be fixed by proclamation.”.

Pharmaceutical
benefits to be
provided on
prescriptions.

4. Section nine of the Principal Act is amended by inserting in paragraph (a) of sub-section (1.), after the word “chemist”, the words “and at premises in respect of which he is for the time being approved”.

5. Section ten of the Principal Act is repealed and the following section inserted in its stead :—

Approved
pharmaceutical
chemists

“10.—(1.) The Director-General shall, on application by a pharmaceutical chemist who is permitted by law and is willing, subject to sub-section (5.) of this section, to supply pharmaceutical benefits on demand, approve that pharmaceutical chemist for the purposes of supplying pharmaceutical benefits in accordance with this Act.

“(2.) Where a pharmaceutical chemist desires to supply pharmaceutical benefits at several premises, a separate application shall be made in respect of each of the premises and separate approval shall be granted in respect of each of the premises.

“(3.) Where an approved pharmaceutical chemist desires to supply pharmaceutical benefits at premises other than premises in respect of which approval has been granted, the Director-General shall, on application by the approved pharmaceutical chemist, grant approval in respect of those other premises.

“(4.) Subject to the next succeeding sub-section, the approval of a pharmaceutical chemist (being a friendly society) under this section in respect of any premises shall be an approval to supply pharmaceutical benefits to persons generally.

“(5.) Where, at the time approval is granted to a pharmaceutical chemist (being a friendly society) in respect of any premises, the number of premises in respect of which approvals are in force in favour of friendly societies is not less than the number of premises at which friendly societies carried on dispensaries on the first day of August, One thousand nine hundred and forty-five, the approval so granted (in this Act referred to as a ‘limited approval’) shall be an approval to supply pharmaceutical benefits to members of the friendly society, and to their respective spouses and children, only.

“(6.) Every approved pharmaceutical chemist shall display, at each of the premises in respect of which he is approved (but not including premises in respect of which the approval granted is a limited approval), a sign, in accordance with the prescribed form, indicating that he has been approved under this Act.”.

6. Section eleven of the Principal Act is amended by adding at the end thereof the following sub-sections :—

Approved
hospital
authorities.

“(4.) Where a hospital authority desires to supply pharmaceutical benefits at several hospitals, a separate application shall be made in respect of each hospital and separate approval may be granted in respect of each hospital.

“(5.) Where an approved hospital authority desires to supply pharmaceutical benefits at a hospital other than a hospital in respect of which approval has been granted, the Director-General may, on application by the approved hospital authority, grant approval in respect of that other hospital.”.

7. Section twelve of the Principal Act is amended by adding at the end thereof the following sub-section :—

Suspension &c.,
of approval.

“(4.) The suspension or revocation of an approval under this section may be in respect of all the premises, or all the hospitals, in respect of which approval has been granted or may be in respect of any particular premises or hospital.”.

8. Section thirteen of the Principal Act is amended by omitting sub-sections (2.) and (3.) and inserting in their stead the following sub-sections :—

Payments for
supply of
pharmaceutical
benefits.

“(2.) An approved pharmaceutical chemist shall not be entitled to payment under this section in respect of the supply of a pharmaceutical benefit at premises other than premises in respect of which the pharmaceutical chemist is approved.

“(3.) Where the approval under section ten of this Act granted to a pharmaceutical chemist (being a friendly society) in respect of any premises is a limited approval, that friendly society shall not be entitled to payment under this section in respect of a pharmaceutical benefit supplied at those premises to a person who is not a member of that friendly society or the spouse or child of such a member.

“(4.) An approved hospital authority shall, subject to this Act, be entitled to payment from the Commonwealth, in accordance with the regulations, in respect of the supply, at a hospital in respect of which the approved hospital authority is approved, of pharmaceutical benefits and of uncompounded medicines, medicinal compounds, materials and appliances which are not pharmaceutical benefits.

“(5.) Any payment to which an approved hospital authority in a State is entitled under this section may be paid to that State, or to an authority of that State, on behalf of the approved hospital authority.”.

9. Section eighteen of the Principal Act is amended by omitting the word “six” and inserting in its stead the word “eight”.

Consultative
Council

10. Section twenty-two of the Principal Act is repealed and the following section inserted in its stead :—

Medical practitioners to be satisfied that prescriptions necessary.

“22. A medical practitioner shall not write a prescription in accordance with any prescribed form unless he is satisfied, by personal examination of the person in respect of whom the prescription is written, or in some other sufficient manner, that the pharmaceutical benefit specified in the prescription is necessary for the treatment of that person.

Penalty : Fifty pounds.”

Powers of authorized persons.

11. Section twenty-five of the Principal Act is amended—

- (a) by adding at the end of paragraph (a) the words “or of any approved hospital authority”; and
- (b) by inserting in paragraph (c), after the word “as”, the words “, or may be ingredients of,”.

SALES TAX (EXEMPTIONS AND CLASSIFICATIONS).

No. 36 of 1945.

An Act to amend the *Sales Tax (Exemptions and Classifications) Act 1935-1944*.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title and citation.

1.—(1.) This Act may be cited as the *Sales Tax (Exemptions and Classifications) Act 1945*.

(2.) The *Sales Tax (Exemptions and Classifications) Act 1935-1944** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Sales Tax (Exemptions and Classifications) Act 1935-1945*.

Commencement.

2.—(1.) Subject to this section, this Act shall be deemed to have come into operation on the thirteenth day of September, One thousand nine hundred and forty-five.

(2.) The amendments made by paragraphs (g), (h), (j), (k) and (t) of section four of this Act shall be deemed to have come into operation on the first day of May, One thousand nine hundred and forty-four.

* Act No. 60, 1935, as amended by No. 41, 1936; No. 78, 1938; No. 32, 1939; Nos. 29 and 76, 1940; No. 32, 1941; No. 8, 1942; Nos. 35 and 44, 1943; and No. 31, 1944.

3. After section six of the Principal Act the following section is inserted :—

“ 6A.—(1.) Notwithstanding anything contained in any Sales Tax Assessment Act, sales tax shall not be payable upon so much of the sale value under any Sales Tax Assessment Act of any pre-fabricated building or pre-fabricated building section which is made of timber, metal, fibro-cement or any other materials or combinations of materials as exceeds the amount which, in the opinion of the Commissioner, would have been the sale value of the taxable goods (if any) incorporated in the building or section if the transaction, act or operation in relation to the sale value of the building or section had been a transaction, act or operation in relation to those taxable goods only. Pre-fabricated buildings.

“(2.) In this section ‘taxable goods’ means goods which, if sold separately, would not be covered by any item in the First Schedule to this Act.”.

4. The First Schedule to the Principal Act is amended—

(a) by omitting the definition of “aids to manufacture” and inserting in its stead the following definition :—

Amendments
of the First
Schedule.

“ ‘aids to manufacture’ means goods for use by a manufacturer being—

(a) machinery, implements and apparatus for use exclusively, or primarily and principally—

- (i) in the actual processing or treatment of goods to be used in, wrought into or attached to goods to be manufactured by him ;
- (ii) in any processing or treatment by which the goods to which that processing or treatment is applied are used in, wrought into or attached to goods to be manufactured by him ;
- (iii) in any processing or treatment for the purpose of bringing goods manufactured by him into, or maintaining those goods in, the form or condition in which he markets or uses those goods ;
- (iv) in any processing or treatment for the purpose of disposing of waste substances resulting from any processing or treatment applied by him as specified in subparagraph (i), (ii) or (iii) of this paragraph ;

- (v) in operating, applying, cleansing or sterilizing machinery, implements or apparatus used in the processing or treatment specified in sub-paragraph (i), (ii), (iii) or (iv) of this paragraph ; or
- (vi) in the cleansing or sterilizing of bottles, vats or other containers which he uses in the storage or marketing of goods which he manufactures or which he processes or treats as specified in sub-paragraph (i), (ii) or (iii) of this paragraph ;
- (b) goods for use as integral parts of machinery, implements or apparatus to be constructed *in situ* and to be used exclusively, or primarily and principally, as specified in paragraph (a) of this definition ;
- (c) parts for, or materials for use in the repair of, any of the machinery, implements or apparatus specified in paragraph (a) or (b) of this definition ; or
- (d) goods (other than those specified in paragraph (a) or paragraph (b)) for use as specified in paragraph (a) of this definition,

but does not include—

- (e) road vehicles of the kinds ordinarily used for the transport of persons or the delivery of goods ;
- (f) cooking appliances or other plant for use exclusively, or primarily and principally, in the preparation of foodstuffs for consumption on any premises of the person preparing the foodstuffs ;
- (g) office equipment which is not for use directly in the manufacture of goods ;
- (h) machinery, implements or apparatus for use in the production of electric current, gas, steam, compressed air or hydraulic power, for purposes other than for sale or for use by the producer thereof exclusively, or primarily and principally, as specified in paragraph (a) of this definition ;

(i) containers (including goods of the classes and for the uses included in, or specifically excluded from, Item 91 in this Schedule) for use by a manufacturer in the storage or delivery of his products, or materials or parts for the construction *in situ* of any containers for use in such storage ; or

(j) parts for any of the goods specified in paragraph (e), (f), (g), (h) or (i) of this definition ” ;

(b) by inserting after item 66 the following item :—

“ 66A.—(1) Tablets, plaques, boards, columns or other monuments to be erected in a public place in commemoration of historical events	} Nos. 1 to 9”;
“ (2) Goods for use as integral parts in the construction or repair of such monuments	

(c) by omitting item 71 and inserting in its stead the following items :—

“ 71.—(1) Articles imported or cleared from bond for the personal or official use of—	} Nos. 5 to 7.
(i) the diplomatic representative in the Commonwealth of any foreign country ;	
(ii) the High Commissioner in the Commonwealth for any part of His Majesty’s dominions ;	
(iii) the Official Representative (not being a High Commissioner) in the Commonwealth of a part of His Majesty’s dominions, being a citizen of that part ;	
(iv) a member of the family of any person mentioned in the preceding paragraphs of this sub-item ; or	
(v) a member of the staff of any such person, provided that that member is a citizen of the country represented	

“(2) Articles imported or cleared from bond for the official use of a consular representative in Australia of any foreign country and declared as being for such official use, if the consular representative is a citizen of the country he represents and is not otherwise engaged in any business, occupation or profession ; and articles owned and imported by any such consular representative or by a member of his staff, if the person importing the articles is a citizen of the country represented and is not engaged in any other business, occupation or profession and if the articles are imported within six months after the arrival in Australia of the person importing them or within such further time as the Minister of State for Trade and Customs allows

“(3) Articles imported or cleared from bond for the official use of a trade commissioner of any British or foreign country and declared as being for such official use, if the trade commissioner is a citizen of the country he represents and is not engaged in any other business, occupation or profession ; and articles owned and imported by any such trade commissioner or by a member of his staff, if the person importing the articles is a citizen of the country represented and is not engaged in any other business, occupation or profession and if the articles are imported within six months after the arrival in Australia of the person importing them or within such further time as the Minister of State for Trade and Customs allows

Nos. 5 to 7.

“(4) Subject to the approval of the Minister of State for Trade and Customs, articles not covered by any other sub-item of this item, imported or cleared from bond for the official use of a representative in Australia of a British possession or foreign country and declared as being for such official use

“71A. Articles cleared from bond for the personal or official use of—

- (i) the diplomatic representative in the Commonwealth of any foreign country ;
- (ii) the High Commissioner in the Commonwealth for any part of His Majesty's dominions ;
- (iii) the Official Representative (not being a High Commissioner) in the Commonwealth of a part of His Majesty's dominions, being a citizen of that part ;
- (iv) a member of the family of any person mentioned in the preceding paragraphs of this item ; or
- (v) a member of the staff of any such person, provided that that member is a citizen of the country represented,

if the articles are owned by the person for whose use they are so cleared, or by the Government concerned, before clearance for home consumption

Nos. 1 to 3.

”.

(d) by inserting in item 72, before the words “a Trade Commissioner”, the words “a High Commissioner, or” ;

(e) by omitting from that item the word “trade” and inserting in its stead the words “business, occupation” ;

(f) by omitting item 73 and inserting in its stead the following items :—

“73. Articles imported or cleared from bond for the personal or official use of—

- (i) the Governor-General ;
- (ii) the Governor of a State ; or
- (iii) a member of the staff of the Governor-General or of the Governor of a State (if the member is not an Australian citizen) or a member of the family of the Governor-General or of the Governor of a State

Nos. 5 to 7.

“ 73A. Articles cleared from bond for the personal or official use of—

- (i) the Governor-General ;
- (ii) the Governor of a State ; or
- (iii) a member of the staff of the Governor-General or of the Governor of a State (if the member is not an Australian citizen) or a member of the family of the Governor-General or of the Governor of a State,

if the articles are owned by the person for whose use they are so cleared, or by the Government of the Commonwealth or of the State, as the case may be, before clearance for home consumption

} Nos. 1 to 3.

”;

- (g) by inserting in item 74CA, after the word “ Australia ”, the words “ of the armed forces of any part of His Majesty’s dominions other than Australia, or members in Australia ” ;

- (h) by inserting after item 74D the following item :—

“ 74E. Goods for use (whether as goods or in some other form), and not for sale, by the Navy Army and Air Force Institutes incorporated in the United Kingdom

} Nos. 1 to 9.

”;

- (i) by omitting item 78 and inserting in its stead the following item :—

“ 78. Goods for use (whether as goods or in some other form) and not for sale by—

- (i) a municipal, shire or district council constituted for the general purposes of local government under any law of the Commonwealth or of a State or Territory of the Commonwealth ;

- (ii) a public authority constituted under any law of the Commonwealth or of a State or Territory of the Commonwealth for the purpose of carrying out any or all of the functions ordinarily carried out by a council of the kind specified in paragraph (i) of this item ;

} Nos. 1 to 9.

- (iii) a harbour board, harbour trust
or marine board constituted
under any law of the Common-
wealth or of a State or Terri-
tory of the Commonwealth;
or
(iv) a fire brigade board or fire brigade
established for public purposes } Nos. 1 to 9.
”;
- (j) by omitting from paragraph (i) of item 81A all the words
after the word “members” (first occurring) and inserting
in their stead the words “in Australia of the armed
forces of His Majesty or of any allied or other foreign
force serving in association with those forces”;
- (k) by omitting from item 81A the words “‘members of the
Defence Force of the Commonwealth’ shall be deemed
to include members of” and inserting in their stead the
words “‘the armed forces of His Majesty’ shall be
deemed to include”;
- (l) by adding at the end of item 84 the following sub-items:—

- “ (2) Metal building material for use,
for purposes for which timber is ordinarily
used, in the construction or repair of, and
to be wrought into or attached to, so as
to form part of, buildings or other fixtures
but not including rolled steel structural
sections (or combinations of such sections)
weighing more than ten pounds per running
foot } Nos. 1 to 9.
“ (3) Metal window frames and sashes,
metal fanlight frames and sashes, metal
window screens, metal louvre frames and
shutters, metal doors and door frames,
of a kind used in the construction or repair
of, and wrought into or attached to, so as
to form part of, buildings or other fixtures } ”;

- (m) by adding at the end of item 86 the following sub-item:—

“ (4) Terne plate ”;

- (n) by inserting after item 90 the following items in
Division XII. :—

- “ 90A. Window fittings, viz. :—
Sash rollers, sash balances, sash cord,
sash weights, sash drops, sash
pulleys, sash lifts, sash fasteners,
casement stays, casement fasteners,
combination casement stays and
fasteners and fanlight openers } Nos. 1 to 9.

“ 90B.—(1) Cooking stoves and ranges (and parts therefor) of a kind used exclusively, or primarily and principally, for domestic purposes, but not including portable stoves, portable roasters, portable cookers or portable ranges.

“(2) Indoor fire grates and canopy fire places (and parts therefor) of a kind exclusively, or primarily and principally, installed as fixtures in houses

“ 90C. Electrical fittings (and parts therefor) of a kind used exclusively, or primarily and principally, in, or in connexion with, electrical installations in houses, viz. :—

Ceiling roses, connectors and connector bodies, connectors of a kind used in junction boxes, flush plates, lampholders (including switch lampholders and batten lampholders), mains connexion boxes, plugs and plug sockets, plug receptacles, flush pilot receptacles, adaptors, switches, switch plugs, switch plug combinations, switchboards, fuse boards, distribution boards, switchboxes and flush switch wall boxes

Nos. 1 to 9.

“ 90D. Household fittings and sanitary ware (and parts therefor, including chains, plugs and washers) of a kind installed in houses or other buildings so as to become fixtures therein, viz. :—

Baths, bath and shower screens, pedestal lavatory basins, wall and bowl basins, sinks, sink tops, draining boards, combination sinks and drainers, wash troughs, toilet pans and seats and covers therefor, sanitary cisterns and water storage tanks for use in sewerage systems

”;

(o) by omitting from item 113 the words, symbols and figures
“, by sub-items (1) to (8) of item 52,”;

(p) by omitting from sub-item (1) of item 113A the figures
“52,”;

- (g) by omitting sub-item (2) of that item and inserting in its stead the following sub-item :—

“(2) Goods sold to or imported by an unregistered manufacturer for use by him—

(a) in the processing or treatment of goods to be used by him as aids to manufacture (as defined in this Schedule); or

(b) in the cleansing or sterilizing of bottles, vats or other containers for use in the storage of goods to be used by him as aids to manufacture (as defined in this Schedule),

where those aids to manufacture are for use in or in connexion with the manufacture of goods covered by any item or sub-item in this Schedule other than item 39, 76, 100 or 103, but excluding machinery, implements or apparatus (or parts therefor) which are not for use exclusively, or primarily and principally, in a manner specified in this sub-item or which are of any of the kinds specifically excluded from the definition of aids to manufacture in this Schedule ”;

- (r) by omitting sub-item (2) of item 113B and inserting in its stead the following sub-item :—

“(2) Goods manufactured by any person and applied by him to his own use—

(a) in the processing or treatment of goods to be used by him as aids to manufacture (as defined in this Schedule); or

(b) in the cleansing or sterilizing of bottles, vats or other containers for use in the storage of goods to be used by him as aids to manufacture (as defined in this Schedule),

but excluding machinery, implements or apparatus (or parts therefor) which are not applied exclusively, or primarily and principally, in a manner specified in this sub-item or which are of any of the kinds specifically excluded from the definition of aids to manufacture in this Schedule ”;

- (s) by omitting item 113c and inserting in its stead the following item :—

“ 113c.—(1) Goods applied by a registered person to his own use as aids to manufacture

“ (2) Goods applied by a registered person to his own use—

(a) in the processing or treatment of goods to be used by him as aids to manufacture ; or

(b) in the cleansing or sterilizing of bottles, vats or other containers for use in the storage of goods to be used by him as aids to manufacture,

Nos. 1, 4, 6
and 8.

but excluding machinery, implements or apparatus (or parts therefor), which are not applied exclusively, or primarily and principally, in a manner specified in paragraph (a) or (b) of this sub-item or which are of any of the kinds specifically excluded from the definition of aids to manufacture

For the purposes of this item, ‘ aids to manufacture ’ means aids to manufacture as defined by Regulations made under the Sales Tax Assessment Acts

” :

- (t) by adding after sub-item (7) of item 114A the following sub-items :—

“ (8) Goods imported by the Navy Army and Air Force Institutes incorporated in the United Kingdom for sale by that organization in canteens, messes, clubs, recreation rooms, hostels and other similar institutions established for the welfare of members of the naval, military or air forces of His Majesty

No. 5.

“ (9) Goods imported by the Navy Army and Air Force Institutes incorporated in the United Kingdom and sold by that organization in canteens, messes, clubs, recreation rooms, hostels and other similar institutions established for the welfare of members of the naval, military or air forces of His Majesty

No. 6.

” ; and

- (u) by omitting item 132.

5. The Second Schedule to the Principal Act is amended by omitting all the words from and including the words "made under the National Security (Rationing) Regulations" to the end of the Schedule and inserting in their stead the words "(as amended to the thirteenth day of September, 1945) made under the National Security (Rationing) Regulations."

Second
Schedule

6. The Third Schedule to the Principal Act is amended—

Third
Schedule.

- (a) by inserting in sub-item (2) of item 1, after the word "ware" (first occurring), the words "(but not including knives, forks, spoons, scissors or other cutlery or cutlery sharpeners)";
- (b) by omitting item 3;
- (c) by omitting from sub-item (3) of item 11 the words "Wireless receiving sets and combined" and inserting in their stead the word "Combined";
- (d) by omitting sub-items (6) and (7) of item 12;
- (e) by inserting in sub-item (1) of item 18, after the word "footwear", the words "or goods for installation as fixtures in public playgrounds for children.";
- (f) by omitting Division VII.;
- (g) by omitting Division VIII.;
- (h) by omitting from item 23 the words "Lawnmowers, mechanical" and inserting in their stead the word "Mechanical";
- (i) by omitting from that item the words "garden hose.": and
- (j) by omitting Division XI.

INCOME TAX ASSESSMENT (NO. 2).

No. 37 of 1945.

An Act to amend the *Income Tax Assessment Act* 1936-1944, as amended by the *Income Tax Assessment Act* 1945.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Income Tax Assessment Act* (No. 2) 1945.

Short title
and citation.

(2.) Section one of the *Income Tax Assessment Act* 1945* is amended by omitting sub-section (3.).

(3.) The *Income Tax Assessment Act* 1936–1944*, as amended by the *Income Tax Assessment Act* 1945, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Income Tax Assessment Act* 1936–1945.

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Income Tax. 3. Section seventeen of the Principal Act is amended—

- (a) by adding at the end of sub-section (1.) the words “, but not including a taxable income which does not exceed Two hundred pounds derived by a person who is not a company”; and (b) by
- (b) by omitting sub-section (2.).

Private companies

4. Section one hundred and three of the Principal Act is amended—

- (a) by omitting from paragraph (a) of the definition of “distributable income” in sub-section (1.) the word “and”; and
- (b) by inserting after that paragraph the following paragraph :—
“(ab) any contribution paid in the year of income under the *Social Services Contribution Assessment Act* 1945, less any refund received in the year of income of contribution paid under that Act; and”.

Amount of rebates in certain cases.

5. Section one hundred and sixty AD of the Principal Act is amended by inserting before paragraph (a) the following paragraph :—

- “(aa) for the purposes of assessments for the financial year which commenced on the first day of July, One thousand nine hundred and forty-five, the sum of the rebates allowable under this Division shall not exceed the difference between the total tax payable before allowing the rebates and an amount equal to fifty per centum of the amount of tax which would have been payable (after deducting all rebates) if the rates of tax set out in the *Income Tax Act* 1945, prior to any amendment of that Act, had been applied in the assessment of the taxpayer, and the amendments made by the *Income Tax Assessment Act* (No. 2) 1945 (other than the insertion of this paragraph) were disregarded;”.

Rate of tax for rebate purposes.

6. Section one hundred and sixty AE of the Principal Act is amended by adding at the end of paragraph (a) the words “, and adding to the amount so calculated—

- (i) for the purposes of any assessment for the year of tax which commenced on the first day of July, One thousand nine hundred and forty-five—the amount of nine pence; and
- (ii) for the purposes of any assessment for any subsequent year of tax—the amount of eighteen pence;”.

* Act No. 27, 1936, as amended by No. 88, 1936; No. 5, 1937; No. 46, 1938; No. 80, 1939; Nos. 17 and 65, 1940; Nos. 58 and 69, 1941; Nos. 22 and 50, 1942; No. 10, 1943; Nos. 3 and 28, 1944.

7. Section two hundred and sixty-five A of the Principal Act is amended—

Release of liability of members of Defence Force on death.

(a) by inserting in sub-section (5.), after the word "Act", the words "or in pursuance of that Division as applied by the *Social Services Contribution Assessment Act 1945*,"; and

(b) by omitting from that sub-section the word "tax" (second occurring) and inserting in its stead the words "income tax or social services contribution".

8. After section two hundred and sixty-five A of the Principal Act the following section is inserted :—

"265B. Notwithstanding anything contained in any other law, the amount which the Commissioner shall treat as having come into his possession under this Act in any financial year shall be so much of the total amount which comes into his possession in pursuance of this Act and of the *Social Services Contribution Assessment Act 1945* in that year as remains after deducting therefrom the amount which, under that last-mentioned Act, he is required to treat as having come into his possession in that year under that Act."

Treatment of amounts received by Commissioner.

9. The amendments effected by section three of this Act shall apply to all assessments for the financial year beginning on the first day of July, One thousand nine hundred and forty-six, and all subsequent years.

Application of amendments.

INCOME TAX (No. 2).

No. 38 of 1945.

An Act to amend the *Income Tax Act 1945*.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Income Tax Act (No. 2) 1945*.

Short title and citation.

(2.) The *Income Tax Act 1945**, as amended by this Act, may be cited as the *Income Tax Acts 1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

Rates of
income tax.

3. Section four of the *Income Tax Act* 1945 is amended—

- (a) by omitting sub-sections (1.) and (2.) and inserting in their stead the following sub-sections :—

“(1.) The rate of income tax in respect of a taxable income derived from personal exertion shall be half the sum of the rates which would be applicable if Parts I. and II. of the First Schedule to this Act both applied in respect of that taxable income.

“(2.) The rate of income tax in respect of a taxable income derived from property shall be half the sum of the rates which would be applicable if Parts I. and II. of the Second Schedule to this Act both applied in respect of that taxable income.”; and

- (b) by omitting from sub-section (9.) the word “Ten” (twice occurring) and inserting in its stead the word “Five”.

Levy of
income tax.

4. Section six of the *Income Tax Act* 1945 is amended by adding at the end of sub-section (2.) the following words :—

“except that—

- (a) the rate of income tax in respect of a taxable income derived from personal exertion shall be as set out in Part II. of the First Schedule to this Act; and
(b) the rate of income tax in respect of a taxable income derived from property shall be as set out in Part II. of the Second Schedule to this Act.”.

The First
Schedule

5. The First Schedule to the *Income Tax Act* 1945 is amended—

- (a) by inserting immediately under the second heading the sub-heading “Part I.”; and
(b) by adding at the end thereof the following Part :—

“PART II.

If the taxable income does not exceed £200, the rate of tax shall be nil.

If the taxable income exceeds £200 but does not exceed £300, the rate of tax for every pound of taxable income up to and including £200 shall be 3 pence, and the rate of tax for every pound of taxable income in excess of £200 shall be 36.15 pence increasing uniformly by .15 of one penny for every pound by which the taxable income exceeds £201.

If the taxable income exceeds £300 but does not exceed £1,000 the rate of tax for every pound of taxable income up to and including £300 shall be 19 pence and the rate of tax for every pound of taxable income in excess of £300 shall be 66.01 pence increasing uniformly by .01 of one penny for every pound by which the taxable income exceeds £301.

If the taxable income exceeds £1,000 but does not exceed £2,000 the rate of tax for every pound of taxable income up to and including £1,000 shall be 56.8 pence and the rate of tax for every pound of taxable income in excess of £1,000 shall be 80.03 pence increasing uniformly by .03 of one penny for every pound by which the taxable income exceeds £1,001.

If the taxable income exceeds £2,000 but does not exceed £3,000 the rate of tax for every pound of taxable income up to and including £2,000 shall be 83.4 pence and the rate of tax for every pound of taxable income in excess of £2,000 shall be 140.013 pence increasing uniformly by .013 of one penny for every pound by which the taxable income exceeds £2,001.

If the taxable income exceeds £3,000 but does not exceed £5,000 the rate of tax for every pound of taxable income up to and including £3,000 shall be 106.6 pence and the rate of tax for every pound of taxable income in excess of £3,000 shall be 166.004 pence increasing uniformly by .004 of one penny for every pound by which the taxable income exceeds £3,001.

If the taxable income exceeds £5,000 the rate of tax for every pound of taxable income up to and including £5,000 shall be 133.56 pence and the rate of tax for every pound of taxable income in excess of £5,000 shall be 182 pence."

6. The Second Schedule to the *Income Tax Act 1945* is amended— The Second
Schedule

(a) by inserting immediately under the second heading the sub-heading "Part I."; and

(b) by adding at the end thereof the following Part :—

"PART II.

If the taxable income does not exceed £200, the rate of tax shall be nil.

If the taxable income exceeds £200 but does not exceed £300 the rate of tax for every pound of taxable income up to and including £200 shall be 3 pence and the rate of tax for every pound of taxable income in excess of £200 shall be 48.21 pence increasing uniformly by 21 of one penny for every pound by which the taxable income exceeds £201.

If the taxable income exceeds £300 but does not exceed £1,000 the rate of tax for every pound of taxable income up to and including £300 shall be 25 pence and the rate of tax for every pound of taxable income in excess of £300 shall be 90.01 pence increasing uniformly by .01 of one penny for every pound by which the taxable income exceeds £301.

If the taxable income exceeds £1,000 but does not exceed £2,000 the rate of tax for every pound of taxable income up to and including £1,000 shall be 75.4 pence and the rate of tax for every pound of taxable income in excess of £1,000 shall be 104.03075 pence increasing uniformly by .03075 of one penny for every pound by which the taxable income exceeds £1,001.

If the taxable income exceeds £2,000 but does not exceed £5,000 the rate of tax for every pound of taxable income up to and including £2,000 shall be 105.075 pence and the rate of tax for every pound of taxable income in excess of £2,000 shall be 165.50275 pence increasing uniformly by .00275 of one penny for every pound by which the taxable income exceeds £2,001.

If the taxable income exceeds £5,000 the rate of tax for every pound of taxable income up to and including £5,000 shall be 146.28 pence and the rate of tax for every pound of taxable income in excess of £5,000 shall be 182 pence."

7. The Third Schedule to the *Income Tax Act 1945* is amended— The Third
Schedule.

(a) by omitting from paragraph (a) the words "under the First Schedule" and inserting in their stead the words "at the rate which would be applicable under this Act,"; and

(b) by omitting from paragraph (b) the words "under the Second Schedule" and inserting in their stead the words "at the rate which would be applicable under this Act,".

8. The Fourth Schedule to the *Income Tax Act 1945* is amended— The Fourth
Schedule.

(a) by omitting from paragraph (a) the words "under the First Schedule" and inserting in their stead the words "at the rate which would be applicable under this Act,"; and

(b) by omitting from paragraph (b) the words "under the Second Schedule" and inserting in their stead the words "at the rate which would be applicable under this Act,".

The Fifth
Schedule.

9. The Fifth Schedule to the *Income Tax Act* 1945 is amended—

- (a) by omitting from paragraph (a) the words “ under the First Schedule ” and inserting in their stead the words “, at the rate which would be applicable under this Act,” ; and
- (b) by omitting from paragraph (b) the words “ under the Second Schedule ” and inserting in their stead the words “, at the rate which would be applicable under this Act,”.

The Sixth
Schedule.

10. The Sixth Schedule to the *Income Tax Act* 1945 is amended by omitting the words “ under the First, Second, Third, Fourth or Fifth Schedule, as the case requires ” and inserting in their stead the words “, at the rate which would be applicable under this Act ”.

SOCIAL SERVICES CONTRIBUTION ASSESSMENT.

No. 39 of 1945.

An Act relating to the Imposition, Assessment
and Collection of a Social Services Contribution.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Social Services Contribution Assessment Act* 1945.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Saving.

3. Nothing in this Act shall affect the operation of the *Commonwealth Debt Conversion Act* 1931 or of sub-section (2.) of section fifty-two B of the *Commonwealth Inscribed Stock Act* 1911–1945.

Parts.

4. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Administration.

Part III.—Liability to Contribution.

Part IV.—Application of Income Tax Assessment Act.

Part V.—Miscellaneous.

5.—(1.) In this Act, unless the contrary intention appears—

Definitions.

“contributable income” means the taxable income ascertained in accordance with the provisions of the Income Tax Assessment Act;

“contribution” means the social services contribution imposed as such by any Act as assessed under this Act;

“contributor” means a person deriving income;

“Income Tax Assessment Act” means the *Income Tax Assessment Act* 1936–1945, as amended from time to time;

“the Commissioner” means the Commissioner of Taxation for the time being holding office under the *Estate Duty Assessment Act* 1914–1942;

“the Second Commissioner” means the person for the time being holding office as Second Commissioner of Taxation under the *Estate Duty Assessment Act* 1914–1942;

“year of contribution” means the financial year for which social services contribution is levied;

“year of income” means—

(a) in relation to a company (except a company in the capacity of a trustee)—the financial year next preceding the year of contribution, or the accounting period, if any, adopted, or deemed to have been adopted, under the Income Tax Assessment Act, in lieu of that financial year, for the purposes of income tax levied for the year of contribution; and

(b) in relation to any other person—the financial year for which social services contribution is levied, or the accounting period, if any, adopted, or deemed to have been adopted, under the Income Tax Assessment Act for the purposes of income tax levied for that financial year.

(2.) Expressions used in this Act, and in the provisions of the Income Tax Assessment Act adopted by this Act, shall, unless the contrary intention appears, have the same meanings as those expressions have in the Income Tax Assessment Act.

6.—(1.) This Act shall extend to the Territories of Papua, Norfolk Island and New Guinea, but shall not apply to any income derived by a resident of those Territories from sources within those Territories.

Contributor
resident in
Territories.

(2.) Any contributor who is resident in a Territory specified in this section shall, for the purposes of assessment and payment of contribution on income derived from sources in Australia, be deemed to be a resident of Australia.

PART II.—ADMINISTRATION.

7. The Commissioner shall have the general administration of this Act.

Commissioner.

Powers of
Second
Commissioner.

8.—(1.) Subject to this section, the Second Commissioner shall have and may exercise all the powers and functions of the Commissioner under this Act.

(2.) Where in this Act the exercise of any power or function by the Commissioner or the operation of any provision of this Act is dependent upon the opinion, belief or state of mind of the Commissioner in relation to any matter, that power or function may be exercised by the Second Commissioner or that provision may operate (as the case may be) upon the opinion, belief or state of mind of the Second Commissioner in relation to that matter.

(3.) Nothing in this section shall be deemed to confer upon the Second Commissioner any power or function of the Commissioner under section seven, or under section ten or twelve of this Act or to prevent the exercise of any power or function by the Commissioner under this Act, and the Commissioner shall have, in relation to any act of the Second Commissioner, the same power as if that act were done by himself.

Deputy
Commissioners.

9. For the purposes of this Act, there may be such Deputy Commissioners as are required who shall, subject to the control of the Commissioner, have such powers and functions as are prescribed, or as the Commissioner directs.

Delegation
by the
Commissioner.

10.—(1.) The Commissioner may, in relation to any particular matters or class of matters, or to any particular State or part of the Commonwealth, by writing under his hand delegate to a Deputy Commissioner or other person all or any of his powers or functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the Deputy Commissioner or person with respect to the matters or class of matters or the State or part of the Commonwealth specified in the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power or function by the Commissioner.

(3.) Any delegation under this section may be made subject to a power of review and alteration, within the period specified in the instrument of delegation, by the Commissioner of any act done in pursuance of the delegation and the decision given upon any such review or alteration shall be deemed to be that of the Commissioner.

References to
Commissioner.

11. Any reference in this Act to the Commissioner shall be deemed to include—

(a) in respect of matters as to which the Second Commissioner has exercised any power or function conferred upon him by this Act—a reference to the Second Commissioner; and

(b) in respect of matters as to which a Deputy Commissioner has exercised any power or function conferred upon him by delegation under this Act—a reference to that Deputy Commissioner.

12.—(1.) The Commissioner shall furnish to the Treasurer annually, for presentation to the Parliament, a report on the working of this Act.

Report by the
Commissioner.

(2.) In the report the Commissioner shall draw attention to any breaches or evasions of this Act which have come under his notice.

13.—(1.) For the purposes of this section, "officer" means a person who is or has been appointed or employed by the Commonwealth or by a State, and who by reason of that appointment or employment, or in the course of that employment, may acquire or has acquired information respecting the affairs of any other person, disclosed or obtained under the provisions of this Act.

Officers to
observe secrecy.

(2.) Subject to this section, an officer shall not either directly or indirectly, except in the performance of any duty as an officer, and either while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person any such information so acquired by him.

(3.) An officer shall not be required to produce in Court any return, assessment or notice of assessment made or given for the purposes of this Act, or to divulge or communicate to any Court any matter or thing coming under his notice in the performance of his duties as an officer, except when it is necessary to do so for the purpose of carrying into effect the provisions of this Act.

(4.) Nothing in this section shall be deemed to prohibit the Commissioner, Second Commissioner, or a Deputy Commissioner, or any person thereto authorized by him, from communicating any information to—

- (a) any person performing, in pursuance of any appointment or employment by the Commonwealth or by a State, any duty arising under any Act administered by the Commissioner of Taxation or the Commissioner of Land Tax, for the purpose of enabling that person to carry out any such duty;
- (b) any board exercising any function under any Act administered by the Commissioner of Taxation or the Commissioner of Land Tax or under any State Act administered by the Commissioner of Income Tax of any State, or any member of any such Board;
- (c) the Commissioner of Income Tax for any State, or the authority administering any Act of a State relating to Stamp Duties or Succession Duties if that authority is authorized by law to afford similar information to the Commissioner, the Second Commissioner or a Deputy Commissioner;
- (d) the Commissioner of Pensions or the Repatriation Commission for the purpose of the administration of any law of the Commonwealth relating to pensions;

- (e) the Commissioner for Maternity Allowances for the purpose of any law relating to maternity allowances ;
 - (f) the Director-General of Health for the purpose of the administration of any law of the Australian Capital Territory or of the Northern Territory which is administered by the Minister of State for Health ;
 - (g) the Commonwealth Prices Commissioner ; or
 - (h) the Secretary, Department of Defence, the Secretary, Department of the Navy, the Secretary, Department of the Army, or the Secretary, Department of Air, for the purpose of the administration of any law of the Commonwealth relating to payments in respect of dependants of members of the Defence Force.
- (5.) Any person to whom information is communicated under the last preceding sub-section, and any person or employee under his control shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities, under sub-sections (2.) and (3.) of this section, as if he were an officer.
- (6.) For the purposes of sub-sections (2.) and (5.) of this section, an officer or person shall be deemed to have communicated such information to another person in contravention of those sub-sections if he communicates that information to any Minister.
- (7.) Any officer shall, if and when required by the Commissioner, Second Commissioner or a Deputy Commissioner to do so, make an oath or declaration, in the manner and form prescribed, to maintain secrecy in conformity with the provisions of this section.
- Penalty : Two hundred and fifty pounds or imprisonment for twelve months.

PART III.—LIABILITY TO CONTRIBUTION.

**Social services
contribution.**

- 14.—(1.) Subject to this Act, social services contribution shall be levied and paid for the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-six, and for each financial year thereafter—
- (a) in the case of a person (whether a resident or non-resident) other than a company (except a company in the capacity of a trustee)—at the rates declared by the Parliament, upon the contributable income derived during the year of income by that person ; and
 - (b) in the case of a private company as defined in section one hundred and three of the Income Tax Assessment Act— in accordance with the provisions of section sixteen of this Act.
- (2.) Notwithstanding anything contained in sub-section (1.) of this section, social services contribution shall not be levied upon the contributable income of a person of any year of income—
- (a) where the person would, if income tax were levied under the Income Tax Assessment Act upon his taxable income

of that year of income, be entitled to a rebate of tax in his income tax assessment by reference to paragraph (a), (aa), (ab), (b), (ba), (bb) or (c) of sub-section (2.) of section one hundred and sixty of that Act and the contributable income does not exceed One hundred and fifty-six pounds ;
or

- (b) where the person would not, if income tax were so levied upon his taxable income of that year of income, be entitled to any such rebate of tax and the contributable income does not exceed One hundred and four pounds.

15. Subject to this Act, the provisions of Divisions 5, 6, 12, 13, 14 and 15 of Part III. of the Income Tax Assessment Act shall apply in relation to social services contribution in like manner as they apply in relation to income tax and as if—

Partnerships,
trustees and
certain non-
residents.

- (a) the word "contributor" were substituted for the word "taxpayer" (wherever occurring) ;
(b) the words "contributable income" were substituted for the words "taxable income" (wherever occurring) ; and
(c) the words "social services contribution" were substituted for the words "income tax" (wherever occurring) and the word "tax" (wherever occurring).

16.—(1.) A company which is a private company as defined in Division 7 of Part III. of the Income Tax Assessment Act shall, subject to this section, be liable to pay social services contribution in respect of the undistributed amount, as defined in section one hundred and three of the Income Tax Assessment Act, of its taxable income and the Commissioner may assess the amount of contribution so payable.

Private
companies.

(2.) The liability of a company under this section shall be determined in accordance with the provisions of Division 7 of Part III. of the Income Tax Assessment Act, as if those provisions were modified by substituting for the word "tax" (wherever occurring) in sections one hundred and four and one hundred and five the words "social services contribution".

(3.) The provisions of section one hundred and seven and section one hundred and nine A of the Income Tax Assessment Act shall apply in relation to social services contribution in like manner as they apply in relation to income tax and as if, in the first-mentioned section—

- (a) the words "social services contribution" were substituted for the words "income tax" ; and
(b) the words "or in respect of which the company has paid or is liable to pay social services contribution" were added at the end thereof.

Further rebate
in certain
cases.

17. Where section one hundred and twenty-seven of the Income Tax Assessment Act applies to the assessment of any person for income tax for any financial year, and the amount to be deducted under that section exceeds the tax from which it is to be deducted, the excess shall be deducted from the social services contribution otherwise payable by that person for that financial year.

PART IV.—APPLICATION OF INCOME TAX ASSESSMENT ACT.

Application of
certain
provisions
of Income Tax
Assessment Act.

18. The following provisions of the Income Tax Assessment Act, namely, sub-sections (2.) to (8.) (inclusive) of section twenty-three A, sections fifty-three E, fifty-nine A to fifty-nine E (inclusive), sub-sections (6.), (7.) and (8.) of section seventy-two B, Part IV., Division 2 of Part V., Parts VI. and VII., sections two hundred and fifty-one L to two hundred and fifty-one P (inclusive) and Part VIII. (except sub-section (2.) of section two hundred and fifty-two, and sections two hundred and sixty-five B and two hundred and sixty-six) shall, *mutatis mutandis*, apply, with such further modifications and adaptations as are prescribed, in relation to social services contribution in like manner as they apply in relation to income tax, but for the purposes of this Act those provisions shall be read as if—

- (a) the words “social services contribution” were substituted for the words “income tax” (wherever those words refer to Commonwealth income tax, except in sub-section (5.) of section two hundred and sixty-five A) and the word “taxation” (wherever occurring, except in section two hundred and twelve and in sub-section (6.) of section two hundred and sixty-five);
- (b) the word “contribution” were substituted for the word “tax” (wherever that word refers to Commonwealth income tax, additional tax or provisional tax, except where it immediately precedes the word “agent” or “agents” or where it immediately succeeds the word “income”);
- (c) the words “contributable income” were substituted for the words “taxable income” (wherever occurring);
- (d) the word “contributor” were substituted for the word “taxpayer” (wherever occurring);
- (e) any reference to a return or an assessment were a reference to a return or an assessment for the purposes of this Act;
- (f) in section two hundred and twenty-one—
 - (i) the words preceding paragraph (a) of sub-section (1.) were omitted;
 - (ii) the words “with which this Act is incorporated” in that paragraph were omitted;
 - (iii) the words “due under this Act” (thrice occurring) in paragraph (b) of sub-section (1.) were omitted;

(iv) sub-section (2.) were omitted and the following sub-section were inserted in its stead :—

“(2.) Notwithstanding anything contained in any other law, the priority given by this section to social services contribution shall prevail over any inconsistent priority given to income tax imposed by or under any Act.”;

- (g) any arrangement made under section two hundred and twenty-one B of the Income Tax Assessment Act and in force at the commencement of this Act applied in relation to social services contribution in like manner and during such period as it applies in relation to income tax ;
- (h) at the end of section two hundred and twenty-one N there were added the words “ but, until such stamps are placed on sale, any reference in this Division to contribution stamps shall be read as a reference to tax stamps prepared for income tax purposes ” ;
- (i) in sub-section (2.) of section two hundred and twenty-one YB, the words “ forty-six ” were substituted for the words “ forty-five ” and sub-section (3.) of that section were omitted ;
- (j) after section two hundred and twenty-one YH the following section were inserted in Part VI. :—

“ 221YJ.—(1.) For the purpose of ascertaining the provisional contribution payable in respect of the income of the year of income ending on the thirtieth day of June, One thousand nine hundred and forty-six, or the accounting period (if any) adopted under this Act in lieu of that year by a contributor who is or was liable to pay income tax in respect of the income of the year next preceding that year of income, that contributor shall be deemed to have been assessed to social services contribution on the income of that last-mentioned year, and the amount of contribution deemed to have been so assessed shall be—

Provisional
contribution
for certain
years.

- (a) an amount equal to forty-three and three-quarters per centum of the income tax payable by the contributor in respect of the income of that last-mentioned year ; or
 - (b) an amount of nine pence for every pound of the taxable income on which that income tax is or was payable,
- whichever is the less.

“(2.) For the purpose of ascertaining the provisional contribution payable by a contributor in respect of the income of the year of income ending on the thirtieth day of June, One thousand nine hundred and forty-seven, or the accounting period (if any) adopted under this Act in lieu of that year, there shall be deemed to have

been assessed in the assessment of contribution for the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-six the amount which would have been assessed if the rates of contribution imposed for that first-mentioned financial year had been applied in that assessment.”.

PART V.—MISCELLANEOUS.

Use of income
tax returns.

19. Whether the Commissioner has required returns to be furnished in pursuance of section one hundred and sixty-one of the Income Tax Assessment Act, as applied by this Act, or not, he may treat returns furnished by a person for the purposes of the Income Tax Assessment Act as returns furnished by that person for the purposes of this Act and those returns shall thereupon be deemed to be returns furnished for the purposes of this Act.

Group
certificates in
respect of
deductions
from salary or
wages.

20. A group employer who is required to issue to an employee a group certificate under Division 2 of Part VI. of the Income Tax Assessment Act and to issue a group certificate to the same employee under the provisions of that Division as applied by this Act, may comply with those requirements by issuing a single group certificate setting out the sum of the amounts which he would otherwise be required to set out in each group certificate.

Deductions
from salary or
wages under
this Act and
the Income Tax
Assessment Act.

21.—(1.) Where an employer is required to make, during any period, deductions from the salary or wages of any employee both under this Act and under the Income Tax Assessment Act and the employer deducts, during that period, an amount which is less than the total of the amount which he is so required to deduct, the amount so deducted shall be deemed to have been deducted in pursuance of this Act to the extent that it is not in excess of the amount required to be deducted in pursuance of this Act.

(2.) Where a group employer is required, both under this Act and under the Income Tax Assessment Act, to pay to the Commissioner amounts which he has deducted during any period from any salary or wages, and, at the date not later than which he is required to pay that amount to the Commissioner, the employer has paid to the Commissioner an amount which is less than the total of the amounts which he is so required to pay, the amount so paid shall, notwithstanding any appropriation made by the employer or the Commissioner, be deemed to have been paid in pursuance of this Act to the extent that it is not in excess of the amount required to be so paid in pursuance of this Act.

Public officers

22. A person at any time holding the office of public officer of a company for the purposes of the Income Tax Assessment Act shall be deemed to be the public officer of that company for the purposes of the provisions of sub-section (1.) of section two hundred and fifty-two of that Act, as applied by this Act.

23. Notwithstanding anything contained in any other law, the amount which the Commissioner shall treat as having come into his possession under this Act—

Treatment of
amounts
received by
Commissioner.

- (a) in the financial year which commenced on the first day of July, One thousand nine hundred and forty-five—shall be the sum of Twenty million pounds ;
- (b) in the financial year commencing on the first day of July, One thousand nine hundred and forty-six—shall be the sum of Fifty-one million pounds ; and
- (c) in each financial year thereafter—shall be the amount of the social services contribution (including provisional social services contribution) which becomes payable in that financial year.

24. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act, and for prescribing penalties not less than One pound or more than Twenty pounds for any breach of the regulations.

Regulations.

SOCIAL SERVICES CONTRIBUTION.

No. 40 of 1945.

An Act to impose a Social Services Contribution.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Social Services Contribution Act* 1945. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. The *Social Services Contribution Assessment Act* 1945 shall be incorporated and read as one with this Act. Incorporation

4. Social services contribution is imposed at the rates declared in this Act. Imposition of
social services
contribution.

Rate of
contribution.

5.—(1.) The rate of social services contribution payable in respect of the contributable income of a contributor other than a trustee shall, subject to this Act, be the rate set out in the First Schedule to this Act.

(2.) The rate of social services contribution payable by a trustee shall, subject to this Act, be the rate set out in the Second Schedule to this Act.

(3.) Where, apart from this sub-section, the amount of social services contribution payable under sub-section (1.) or (2.) of this section would be greater than fifty per centum of the amount by which the contributable income exceeds—

(a) in any case where the contributable income is less than Two hundred pounds and the contributor is a person who would, if income tax were levied under the Income Tax Assessment Act upon his taxable income of the year of income, be entitled to a rebate of tax in his income tax assessment by reference to paragraph (a), (aa), (ab), (b), (ba), (bb) or (c) of sub-section (2.) of section one hundred and sixty of that Act—One hundred and fifty-six pounds ; or

(b) in any case where the contributable income is less than One hundred and thirteen pounds and the contributor would not be entitled to any such rebate—One hundred and four pounds,

the contribution payable in respect of that contributable income shall be fifty per centum of the amount of that excess.

(4.) Where, apart from this sub-section, the contribution which a person would be liable to pay under sub-section (1.), (2.) or (3.) of this section is less than Ten shillings, the amount of contribution payable by that person shall be Ten shillings.

(5.) Where, apart from this sub-section, the contribution which a person would be liable to pay under this section leaves an amount of pence remaining when expressed in pounds and shillings—

(a) if the remaining pence do not exceed six—the contribution payable by that person shall be the amount so expressed in pounds and shillings ; or

(b) if the remaining pence exceed six—the contribution payable by that person shall be the amount so expressed in pounds and shillings plus One shilling.

Levy of
social services
contribution.

6.—(1.) The contribution imposed by the preceding provisions of this Act shall be levied and paid for the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-six, and for the financial year commencing on the first day of July, One thousand nine hundred and forty-six, upon the contributable income derived during the year of income as defined by section five of the *Social Services Contribution Assessment Act 1945*.

(2.) Until the commencement of an Act for the levying and payment of social services contribution for a financial year subsequent to that beginning on the first day of July, One thousand nine hundred and forty-six, the provisions of this Act shall also apply for all financial years subsequent to that last-mentioned year.

(3.) Notwithstanding anything contained in this Act, the amount of contribution payable by a person for the financial year ending on the thirtieth day of June, One thousand nine hundred and forty-six, shall be one-half of the amount which would be payable by him apart from this sub-section.

7. Provisional contribution is levied, and shall be payable, in accordance with the provisions of the *Social Services Contribution Assessment Act 1945*. Provisional contribution.

THE SCHEDULES.

FIRST SCHEDULE.

Section 5 (1.).

RATE OF CONTRIBUTION PAYABLE IN RESPECT OF THE CONTRIBUTABLE INCOME OF A CONTRIBUTOR OTHER THAN A TRUSTEE.

For every pound of contributable income the rate of contribution shall be the lesser of the following:—

- (1) The rate obtained by dividing by the amount of the contributable income an amount equal to the amount of income tax for which the contributor would be liable to be assessed for the year of contribution if—
 - (a) the rates of income tax payable for that year were the rates of tax declared in the *Income Tax Act 1945*, prior to any amendment of that Act, reduced by twelve and one-half per centum; and
 - (b) the rate of tax to be applied for the purpose of ascertaining the amount of any rebate were the rate ascertained in accordance with the provisions of the *Income Tax Assessment Act 1936*, as amended up to and including the commencement of the *Income Tax Assessment Act (No. 2) 1944*: or
- (2) The rate of eighteen pence.

SECOND SCHEDULE.

Section 5 (2.).

RATE OF CONTRIBUTION PAYABLE BY A TRUSTEE.

For every pound of the contributable income in respect of which a trustee is liable, pursuant to either section ninety-eight or section ninety-nine of the *Income Tax Assessment Act*, as applied by the *Social Services Contribution Assessment Act 1945*, to be assessed and to pay contribution, the rate of contribution shall be the rate which would be payable if one individual were liable to be assessed and to pay contribution on that contributable income.

NATIONAL WELFARE FUND.

No. 41 of 1945.

An Act to amend the *National Welfare Fund Act* 1943, and for other purposes.

[Assented to 11th October, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title and citation.

1.—(1.) This Act may be cited as the *National Welfare Fund Act* 1945.

(2.) The *National Welfare Fund Act* 1943* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *National Welfare Fund Act* 1943–1945.

Commencement.

2. This Act shall be deemed to have come into operation on the first day of July, One thousand nine hundred and forty-five.

Definitions.

3. Section three of the Principal Act is amended by omitting the definition of “income tax”.

4. Section five of the Principal Act is repealed and the following section inserted in its stead :—

Appropriations for purposes of National Welfare Fund

“5.—(1.) There shall be paid out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the National Welfare Fund, during the first six months of the financial year commencing on the first day of July, One thousand nine hundred and forty-five, the sum of Fifteen million pounds.

“(2.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the National Welfare Fund—

(a) during the last six months of the financial year commencing on the first day of July, One thousand nine hundred and forty-five—the sum of Twenty million pounds ;

(b) in the financial year commencing on the first day of July, One thousand nine hundred and forty-six—the sum of Fifty-one million pounds ; and

- (c) in each financial year thereafter—the amount of the social services contribution (including provisional social services contribution) which becomes payable under the *Social Services Contribution Assessment Act 1945* in that financial year.

“(3.) There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, for the purposes of the National Welfare Fund, in each financial year, a sum equivalent to the collections of tax in that financial year under the *Pay-roll Tax Assessment Act 1941–1942*.”

5. Section six of the Principal Act is amended by inserting after the word “benefits” the words “, invalid and old-age pensions, widows’ pensions”.

Application of
National
Welfare Fund.

6. Section fifty-three of the *Invalid and Old-age Pensions Act 1908–1945* is repealed and the following section inserted in its stead :—

“53. Payment of pensions shall be made out of the Trust Account established under the *National Welfare Fund Act 1943–1945* and known as the National Welfare Fund, and payment shall be made in the prescribed manner.”

Payment of
invalid and
old-age
pensions.

7. Section forty-six of the *Widows’ Pensions Act 1942–1944* is repealed and the following section inserted in its stead :—

“46. Payment of pensions shall be made out of the Trust Account established under the *National Welfare Fund Act 1943–1945* and known as the National Welfare Fund.”

Payment of
widows’
pensions.

8. Section twenty-three of the *Child Endowment Act 1941–1945* is repealed and the following section inserted in its stead :—

“23. Payment of endowments shall be made out of the Trust Account established under the *National Welfare Fund Act 1943–1945* and known as the National Welfare Fund.”

Payment of
child
endowment.

9.—(1.) Section one of the *Invalid and Old-age Pensions Act 1945* is amended by omitting sub-section (3.).

Citations.

(2.) The *Invalid and Old-age Pensions Act 1908–1944*, as amended by the *Invalid and Old-age Pensions Act 1945* and by this Act, may be cited as the *Invalid and Old-age Pensions Act 1908–1945*.

(3.) The *Widows’ Pensions Act 1942–1944*, as amended by this Act, may be cited as the *Widows’ Pensions Act 1942–1945*.

(4.) Section one of the *Child Endowment Act 1945* is amended by omitting sub-section (2.).

(5.) The *Child Endowment Act 1941–1942*, as amended by the *Child Endowment Act 1945* and by this Act, may be cited as the *Child Endowment Act 1941–1945*.

BANKRUPTCY.

No. 42 of 1945.

An Act to amend the *Bankruptcy Act* 1924-1933.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Bankruptcy Act* 1945.

(2.) The *Bankruptcy Act* 1924-1933* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Bankruptcy Act* 1924-1945.

Commencement.

2. Subject to the next succeeding section, this Act shall come into operation on the day on which it receives the Royal Assent.

3.—(1.) After section eighteen B of the Principal Act the following sections are inserted :—

Oath of
allegiance and
office by Judge.

“ 18BA. A Judge of the Federal Court of Bankruptcy shall, before proceeding to discharge the duties of the office of Judge, take before a Justice of the High Court an oath or affirmation of allegiance in accordance with the form in the Schedule to the Constitution and also an oath or affirmation in accordance with the following form :—

‘ I, A.B., do swear that I will well and truly serve our Sovereign Lord the King in the office of Judge of the Federal Court of Bankruptcy, and I will do right to all manner of people, according to law, without fear or favour, affection or ill-will, So help me. God ! ’ ; or

‘ I, A.B., do solemnly and sincerely promise and declare that I will well and truly serve our Sovereign Lord the King in the office of Judge of the Federal Court of Bankruptcy, and I will do right to all manner of people, according to law, without fear or favour, affection or ill-will. ’

Salaries and
pensions of
Judges.

“ 18BB.—(1.) A Judge of the Federal Court of Bankruptcy shall receive a salary at the rate of Two thousand five hundred pounds a year.

“(2.) Where a Judge of the Federal Court of Bankruptcy has served in that office for not less than fifteen years, he shall, on retiring, be entitled to an annual pension at the rate of one-half of his salary.

* Act No. 37, 1924, as amended by No. 3, 1927 ; No. 39, 1928 ; No. 28, 1929 ; No. 17, 1930 ; No. 31, 1932 ; and No. 66, 1933.

“(3.) If a Judge of the Federal Court of Bankruptcy retires on permanent disability or infirmity, he shall, if he has served in that office for not less than five years, be entitled, on retiring, to an annual pension at the rate of twenty one-hundredths of his salary and at the additional rate of three one-hundredths of his salary for each complete year of his service in excess of five years, but so that the rate of his pension shall not exceed one-half of his salary.

“(4.) Where a Judge of the Federal Court of Bankruptcy was immediately prior to his appointment, serving in any judicial office under a State, so much of the term of that service as does not exceed five years shall, for the purposes of sub-sections (2.) and (3.) of this section, be added to the term of his service as a Judge of the Federal Court of Bankruptcy.

“(5.) Pensions under this section shall grow due from day to day, but shall be payable monthly.

“(6.) Salaries and pensions under this section shall be charged on and paid out of the Consolidated Revenue Fund, which is to the necessary extent hereby appropriated accordingly.

“(7.) The provisions of this section shall not apply in relation to any Judge of the Federal Court of Bankruptcy to whom the next succeeding section applies.”.

(2.) This section shall be deemed to have come into operation on the seventh day of November, One thousand nine hundred and forty-two.

4. Section one hundred and fifty-five of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (2.) the word “and” and inserting in its stead the word “or”;
- (b) by omitting paragraph (b) of that sub-section; and
- (c) by inserting in sub-section (4A.), after the word “The” (first occurring), the words “provisions of section eighty of this Act and the”.

Administration
in bankruptcy
of estates of
persons dying
insolvent.

5. After section two hundred and two of the Principal Act the following section is inserted:—

“203. The Court may, on the application of a creditor or debtor or trustee, remove any trustee of a deed of arrangement registered under this Part, and may appoint a new trustee or trustees either solely or jointly with the continuing trustee or trustees, and upon such appointment all property subject to the deed shall vest in the new trustee or trustees solely or jointly with the continuing trustee or trustees, as the case may be, and the new trustee or trustees shall have the same rights or powers and perform the same duties and be subject to the same liabilities as if he or they had been the original trustee or trustees of the deed.”.

Power of
appointment
and removal
of trustee.

COMMONWEALTH PUBLIC SERVICE (No. 2).

No. 43 of 1945.

An Act to amend the *Commonwealth Public Service Act* 1922-1943, as amended by the *Commonwealth Public Service Act* 1945 and by the *Re-establishment and Employment Act* 1945, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Public Service Act* (No. 2) 1945.

(2.) Section twenty-three of the *Re-establishment and Employment Act* 1945* is amended by omitting sub-section (6.).

(3.) The *Commonwealth Public Service Act* 1922-1943†, as amended by the *Commonwealth Public Service Act* 1945‡ and by the *Re-establishment and Employment Act* 1945, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Public Service Act* 1922-1945.

Commencement.

2. Except as otherwise provided in this Act, the several sections of this Act shall commence on such dates as are respectively fixed by Proclamation.

Joint
Council and
Classification
Committees.

3. After section nineteen of the Principal Act the following section is inserted :—

“ 19A.—(1.) The regulations may make provision for the establishment of a Joint Council and of Classification Committees.

“(2.) The Joint Council shall be representative of the Board and of Departments and of organizations of officers or employees and shall be constituted in such manner as is prescribed.

* Act No. 11, 1945.

† Act No. 21, 1922, as amended by No. 46, 1924; No. 41, 1928; No. 19, 1930; No. 21, 1931; No. 72, 1932; No. 38, 1933; Nos. 45 and 46, 1934; No. 72, 1936; No. 41, 1937; No. 72, 1939; No. 88, 1940; No. 5, 1941; and No. 19, 1943.

‡ Act No. 29, 1945

“(3.) The Joint Council shall have such functions as are prescribed with respect to matters of general interest in relation to the Commonwealth Service which are referred to the Council by the Board.

“(4.) A Classification Committee shall be constituted in such manner as is prescribed and shall have such functions in relation to the classification of officers as are prescribed.”.

4. Section twenty-nine of the Principal Act is amended by adding at the end of sub-section (2.) the words “and the officer who occupied that office immediately prior to the alteration of its classification shall be an unattached officer”.

Alterations of staff.

5.—(1.) After section forty-seven of the Principal Act the following section is inserted :—

“47A.—(1.) Notwithstanding anything contained in this Act, if the Governor-General is satisfied that any officer who was employed in the Commonwealth Service—

Appointment of persons who have resigned from the Commonwealth Service to become candidates elections.

(a) resigned from the Service in order to become a candidate for election as a member of any House of the Parliament of the Commonwealth or of a State ;

(b) was a candidate at the election ; and

(c) failed to be elected,

and that the resignation was effective not earlier than one month prior to the date on which nominations for the election closed, the Governor-General may, upon application by that resigned officer within two months after the declaration of the result of the election and upon the recommendation of the Board, appoint him to the Commonwealth Service without examination, and, if the Governor-General thinks fit, without probation, at the same classification as he had immediately prior to his resignation.

“(2.) A person so appointed shall be deemed to have continued in the Commonwealth Service as if he had not resigned and as if during the period from the day of his resignation to the day immediately preceding his appointment he had been on leave of absence without pay, and that period shall be included as part of the officer's period of service.”.

(2.) Any officer who, after the first day of September, One thousand nine hundred and forty—

(a) resigned from the Commonwealth Service in order to become a candidate for election as a member of any House of the Parliament of the Commonwealth or of a State ;

(b) was a candidate at the election ; and

(c) failed to be elected,

and, thereafter, but prior to the commencement of this Act, was appointed to the Commonwealth Service, shall be deemed to have been appointed in pursuance of sub-section (1.) of section forty-seven A of the *Commonwealth Public Service Act 1922-1945*, and the provisions of sub-section (2.) of that section shall apply in relation to his service accordingly.

Certain prior
service
reckoned as
Commonwealth
service

6. Section forty-eight AA of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(2.) Where a person who was employed by the Federal Capital Commission constituted under the *Seat of Government (Administration) Act 1924*, or under that Act as subsequently amended, is, at the commencement of this sub-section, an officer of the Commonwealth Service and his service in the Commonwealth Service is continuous with a period of continuous service which is the aggregate of—

- (a) a period of permanent service in the Public Service of a State before his employment under the Federal Capital Commission ;
- (b) a period of employment under the Federal Capital Commission ; and
- (c) a period of employment in the Public Service of the Commonwealth, after his employment under the Federal Capital Commission,

that period of continuous service shall be reckoned for the purposes of this Act as service in a permanent capacity in the Commonwealth Service.”.

Promotions.

7. Section fifty of the Principal Act is amended—

- (a) by omitting from sub-section (1.) the words “ Whenever a vacancy occurs ” and inserting in their stead the words “ Where a vacancy exists ” ;
- (b) by omitting from that sub-section the word “ occurs ” (second occurring) and inserting in its stead the word “ exists ” ;
- (c) by omitting from sub-section (2.) the word “ occurs ” and inserting in its stead the word “ exists ” ;
- (d) by inserting after that sub-section the following sub-section :—

“(2A.) Where the Board approves of a transfer under the last preceding sub-section, the Board shall notify in writing the Permanent Head of the Department in which the vacancy exists and also the Permanent Head of the Department from which the officer is to be transferred and, upon being so notified, the last-mentioned Permanent Head shall forthwith release the officer.” ;

- (e) by inserting in sub-section (3.), after the word "shall", the words "subject to the next succeeding sub-section,";
- (f) by inserting after sub-section (3.) the following sub-section :—
" (3A.) The regulations may provide for the selection of officers for promotion to prescribed offices or to offices included in any prescribed group or section of offices on the basis of the selection of the senior efficient officer available for promotion." ;
- (g) by omitting from sub-section (4.) the words "or the Board" and inserting in their stead the words "the Board or a Promotions Appeal Committee" ;
- (h) by inserting after sub-section (4.) the following sub-section :—
" (4A.) Notwithstanding anything contained in the last preceding sub-section, 'efficiency' shall, in relation to promotions to such senior executive offices in a Department as are prescribed, include not only special qualifications and aptitude for the discharge of the duties of the office to be filled but also for the discharge of the duties of offices of higher status in the Department." ;
- (i) by omitting from sub-section (5.) the words "to the Board" and inserting in their stead the words "as provided in this section" ;
- (j) by inserting after that sub-section the following sub-sections :—
" (5A.) For the purposes of this section, there shall be a Promotions Appeal Committee for each State which shall be constituted as prescribed.
" (5B.) The members of a Promotions Appeal Committee shall hold office upon such terms and conditions (including tenure of office) as are prescribed.
" (5C.) Every member of a Promotions Appeal Committee shall, before proceeding to perform the duties or exercise the powers of a member of a Promotions Appeal Committee, take an oath or make an affirmation in the form in the Sixth Schedule to this Act." ;
- (k) by inserting in sub-section (6.), after the word "may", the words "subject to the next succeeding sub-section," ;
- (l) by inserting after sub-section (6.) the following sub-section :—
" (6A.) Where the regulations prescribe that the selection of officers for promotion to an office or to an office included in a group or section of offices shall be made on the basis of the selection of the senior efficient officer available

for promotion, an appeal under the last preceding sub-section in respect of a provisional promotion to a vacancy in any such office may be made by any officer on the ground that he is senior to the officer provisionally promoted and is efficient.”;

- (m) by inserting in sub-section (7A.), after the word “section” (first occurring), the words “or on the ground specified in sub-section (6A.) of this section, as the case may be”;
- (n) by inserting in that sub-section, after the word “Act”, the words “or is absent from Australia on official duty”;
- (o) by adding at the end of that sub-section the words “and as if that officer had been at the date of the appeal performing his duties in the State in which immediately prior to the grant of leave or his departure from Australia on official duty, as the case may be, he was performing his duties”;
- (p) by omitting sub-section (8.) and inserting in its stead the following sub-sections:—

“(8.) Upon receipt of the appeal, the Board shall forward the appeal to the appropriate Promotions Appeal Committee and shall furnish to the Committee particulars of every such officer who is referred to in the last preceding sub-section.

“(8A.) Except as provided in sub-sections (8B.), (8C.) and (8D.) of this section, the Promotions Appeal Committee for the State in which the vacancy in an office exists shall make full inquiries into the claims of the appellant and those of the officer provisionally promoted, and shall determine the appeal and, for the purpose of any such determination, the decision of the majority of the members of the Committee shall be deemed to be the determination of the Committee.

“(8B.) Where an appeal is made in respect of an office to which there has been assigned a maximum rate of salary in excess of such maximum rate as is prescribed for the purpose of this sub-section and both the officer provisionally promoted and the appellant perform their duties in the same State, the Promotions Appeal Committee for that State shall make full inquiries into, and make a report to the Board on, the claims of the appellant and those of the officer provisionally promoted.

“(8C.) Where an appellant and the officer provisionally promoted perform their duties in different States, the Promotions Appeal Committee for the State in which

the appellant performs his duties and the Promotions Appeal Committee for the State in which the officer provisionally promoted performs his duties shall respectively make full inquiries into, and make a report to the Board on, the claims of the appellant or those of the officer provisionally promoted, as the case may be.

“(8D.) Upon receipt of all reports of Promotions Appeal Committees under sub-section (8B.) or sub-section (8C.) of this section in respect of any appeal, the Board shall determine the appeal.”;

(g) by omitting from sub-section (9.) the words “by the Board, it” and inserting in their stead the words “in pursuance of this section, the Board”; and

(r) by adding at the end thereof the following sub-sections:—

“(13.) Until such date as is prescribed, appeals by officers performing their duties in, or in respect of vacancies in offices in, the Northern Territory shall be inquired into and determined as prescribed.

“(14.) For the purposes of this section, the Australian Capital Territory shall be regarded as a State and, as from such date as is prescribed, the Northern Territory shall be regarded as a State.”.

8. After section fifty of the Principal Act the following section is inserted:—

“51.—(1.) Where, in the opinion of the Board, it is necessary in the interests of the Commonwealth Service to transfer an officer temporarily from one Department to another, the Board may direct that that officer be so transferred and as from such date (if any) as the Board specifies.

Temporary transfers of officers from one Department to another.

“(2.) The Board shall notify in writing the Permanent Head of each of the Departments concerned of any direction under the last preceding sub-section and, upon being so notified, the Permanent Head of the Department from which the officer is to be transferred temporarily shall forthwith release the officer.”.

9. Section sixty-two of the Principal Act is amended by adding at the end thereof the following sub-sections:—

Officer convicted of criminal offence.

“(6.) Where an officer has been so dismissed (whether before or after the commencement of this sub-section) but the conviction has been subsequently quashed or he has received a pardon or the conviction has been otherwise nullified, or he has been released from

prison as a result of an inquiry into the conviction, he may be appointed by the Board, without examination, and, if the Board thinks fit, without probation, to the Commonwealth Service at the same classification as he had immediately before his dismissal.

“(7.) A person so appointed shall be deemed to have continued in the Commonwealth Service as if he had not been dismissed and as if, during the period during which he ceased to perform the duties of his office he had been on leave of absence without pay, and that period shall be included as part of the officer’s period of service.”.

Leave without
pay.

10. Section seventy-one of the Principal Act is amended by inserting in sub-section (1.), after the words “League of Nations”, the words “or any other prescribed international body or organization”.

Leave of
absence for
service with
other
Governments,
&c.

11. Section seventy-two A of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words “League of Nations” (first occurring), the words “, or any other prescribed international body or organization”;

(b) by inserting in that sub-section, after the words “League of Nations” (second occurring), the words “or to that body or organization”; and

(c) by adding at the end thereof the following sub-section:—

“(3.) If, in the opinion of the Board, it is necessary to fill the office in any Department of an officer who is granted leave under this section, the Board may declare that office to be vacant and, thereupon, the officer shall be deemed to be an unattached officer of the Commonwealth Service.”.

12. After section seventy-two A of the Principal Act the following section is inserted:—

Leave of
absence
to officer
appointed as
representative
of the
Commonwealth
abroad.

“72B.—(1.) If an officer is appointed to be a representative in another country of the Government of the Commonwealth of Australia, the Board may, on application by the officer, grant to him leave of absence without pay for a period not exceeding the period for which he is necessarily unavailable for employment in the Commonwealth Service in consequence of that appointment.

“(2.) The period during which any officer is absent on leave granted in pursuance of this section shall for all purposes be included as part of the officer’s period of service.

“(3.) Where an officer is granted leave of absence in pursuance of this section, his office in the Commonwealth Service shall become vacant upon the commencement of the period of that leave of absence, and he shall be an unattached officer of the Commonwealth Service during that period.

“(4.) Upon the termination of a period of leave of absence granted in pursuance of this section, the unattached officer shall, unless he has been dismissed for misconduct or has attained the maximum age for retirement fixed by this Act, be entitled to be appointed by the

Board to an office in the Commonwealth Service of such status and salary as are determined by the Board, having regard to the office previously vacated by him and the period of his appointment as a representative in another country of the Government of the Commonwealth of Australia.”.

13.—(1.) Section seventy-five of the Principal Act is amended by omitting from paragraph (b) the words “any service” and inserting in their stead the words “, in addition to any service which, by virtue of this Act, is reckoned for the purposes of this Act as service in the Commonwealth Service, any service (not being so reckoned)”.

Definitions of
“salary” and
“service”.

(2.) This section shall be deemed to have come into operation on the twenty-ninth day of March, One thousand nine hundred and forty-three.

14.—(1.) After section seventy-five of the Principal Act the following section is inserted :—

“75A.—(1.) Notwithstanding anything contained in sections seventy-three and seventy-four of this Act, where an officer of the Public Service of the Northern Territory was, on the twelfth day of June, One thousand nine hundred and forty-one, appointed under section forty-two of this Act to an office in the Commonwealth Service, the Board may grant to the officer or his dependants, as the case may be, furlough, or pay on his retirement or death, in accordance with this section.

Officers
formerly
officers of
the Northern
Territory—
furlough or
pay in lieu
thereof.

“(2.) If, after that appointment, the officer—

(a) is not allocated for duty (otherwise than in a temporary or acting capacity) outside the territorial limits of the Northern Territory; or

(b) is so allocated, but retires or dies before he has completed a total period of twenty years service,

he may be granted furlough for a period not exceeding the period, or pay not exceeding the pay, which could have been granted under the *Public Service Ordinance 1928-1941* of the Northern Territory, if he had remained an officer of the Public Service of that Territory.

“(3.) If, after that appointment, the officer is allocated for duty (otherwise than in a temporary or acting capacity) outside the territorial limits of the Northern Territory, and performs a total period of service of twenty years or more, he may be granted furlough or pay, as the case may be, in accordance with section seventy-three of this Act, but, in respect of the portion of his service prior to that allocation, the period of furlough, or the amount of pay, shall be determined in accordance with the *Public Service Ordinance 1928-1941* of the Northern Territory as if the whole of his service had been under that Ordinance, and for that purpose, the portion of his service performed prior to that allocation shall be deemed to be the minimum period of service necessary to be taken into account in making that determination,

“(4.) There shall not be granted under this Act, in respect of the total service of any officer to whom this section applies, leave of absence or pay on retirement or death exceeding in the whole twelve months on full salary or its equivalent.”.

(2.) This section shall be deemed to have come into operation on the twelfth day of June, One thousand nine hundred and forty-one.

15.—(1.) After section eighty-two A of the Principal Act the following section is inserted in Division 10 of Part III. :—

Temporary
employment of
persons who
have resigned
to become
candidates at
elections.

“82B.—(1.) Notwithstanding anything contained in the last preceding section, if the Board is satisfied that any person who was temporarily employed in any Department—

- (a) resigned from that employment in order to become a candidate for election as a member of any House of the Parliament of the Commonwealth or of a State ;
- (b) was a candidate at the election ; and
- (c) failed to be elected,

and that the resignation was effective not earlier than one month prior to the date on which nominations for the election closed, the Board may, upon application by that person within two months after the declaration of the result of the election, employ him in the same or in a similar capacity with the same rate of pay as that payable to him immediately prior to the date upon which his resignation took effect.

“(2.) A person so employed shall be deemed to have continued in temporary employment in the Commonwealth Service as if the period of his employment in pursuance of this section and the unbroken period of his employment immediately prior to the date upon which his resignation took effect were a continuous period of temporary employment.”.

(2.) Any person who was temporarily employed in any Department and who, after the first day of September, One thousand nine hundred and forty—

- (a) resigned from that employment in order to become a candidate for election as a member of any House of the Parliament of the Commonwealth or of a State ;
- (b) was a candidate at the election ; and
- (c) failed to be elected,

and, thereafter, but prior to the commencement of this Act, was temporarily employed in any Department shall be deemed to have been employed in pursuance of sub-section (1.) of section eighty-two B of the *Commonwealth Public Service Act 1922-1945*, and the provisions of sub-section (2.) of that section shall apply in relation to his employment accordingly.

16.—(1.) Section ninety-one of the Principal Act is amended—

(a) by omitting from sub-section (2.) the word “ Act ” and inserting in its stead the word “ law ”; and

(b) by adding at the end thereof the following sub-section :—

“ (3.) Notwithstanding anything contained in this section, an officer may, with the approval of the Board (which approval may at any time be withdrawn), act as a director of a co-operative society which is registered under any law in any State or elsewhere and does not enter into contracts for the supply of goods or services to the Commonwealth.”.

Performance
of work outside
Commonwealth
Service.

(2.) This section shall be deemed to have come into operation on the first day of March, One thousand nine hundred and forty-five.

17. Section ninety-seven of the Principal Act is amended—

(a) by adding at the end of paragraph (a) of sub-section (1.) the words “ and also, in relation to officers included in any group or section of officers, the seniority of those officers for the purposes of transfer or promotion within that group or section ”;

(b) by adding at the end of paragraph (h) of that sub-section the words “ or of Promotions Appeal Committees ”; and

(c) by inserting after paragraph (s) of that sub-section the following paragraph :—

“ (sa) for providing for appeals against temporary transfers ; ”.

Regulations for
Commonwealth
Service.

18. The Principal Act is amended by adding at the end thereof the following Schedule :—

Sixth Schedule.

“ SIXTH SCHEDULE.

OATH.

“ I, A. B., do swear that I will well and truly serve our Sovereign Lord the King as a member of the Promotions Appeal Committee constituted under the *Commonwealth Public Service Act 1922-1945* for the State of (here insert name of State) and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will. SO HELP ME, GOD !

AFFIRMATION.

“ I, A. B., do solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King as a member of the Promotions Appeal Committee constituted under the *Commonwealth Public Service Act 1922-1945* for the State of (here insert name of State) and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will.”.

COMMONWEALTH AND STATE HOUSING AGREEMENT.

No. 44 of 1945.

An Act to authorize the Execution by or on behalf
of the Commonwealth of an Agreement
between the Commonwealth and the States in
relation to Housing, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- | | |
|------------------------------------|---|
| Citation. | 1. This Act may be cited as the <i>Commonwealth and State Housing Agreement Act 1945</i> . |
| Commencement. | 2. This Act shall come into operation on the day on which it receives the Royal Assent. |
| Execution of agreement authorized. | 3. The execution, by or on behalf of the Commonwealth, of an agreement between the Commonwealth and the States substantially in accordance with the form contained in the Schedule to this Act is hereby authorized. |
| Payments in respect of losses. | 4. Payments by the Commonwealth to a State in pursuance of sub-clause (1.) of clause fifteen of the agreement referred to in the last preceding section shall be made out of the Trust Account established under the <i>National Welfare Fund Act 1943-1945</i> and known as the <i>National Welfare Fund</i> . |

Sec. 3.

THE SCHEDULE.

COMMONWEALTH AND STATE HOUSING AGREEMENT.

AGREEMENT made the _____ day of _____ One thousand nine hundred and forty-five BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this Agreement called "the Commonwealth") of the first part, THE STATE OF NEW SOUTH WALES of the second part, THE STATE OF VICTORIA of the third part, THE STATE OF QUEENSLAND of the fourth part, THE STATE OF SOUTH AUSTRALIA of the fifth part, THE STATE OF WESTERN AUSTRALIA of the sixth part, and THE STATE OF TASMANIA of the seventh part :

WHEREAS at Conferences of Commonwealth and State Ministers held during the months of August, 1944, and August, 1945, proposals were agreed upon relating to the carrying out of rental housing projects by the States :

AND WHEREAS the Commonwealth proposes to assist the States in the carrying out of the rental housing projects by making contributions to the States towards meeting any losses that may be incurred by a State in the administration of the rental housing projects :

NOW IT IS HEREBY AGREED that—

1.—(1.) Notwithstanding that all the aforementioned States are named as parties to this Agreement—

(a) the Agreement shall, in the event of the Parliament of any State or States failing to authorise or approve the Agreement, operate as an agreement between the Commonwealth and the State or States which authorise or approve the Agreement as fully and effectually as if the State or States so authorising or approving the Agreement were the only State or States named as a party or parties to the Agreement and the State or States failing to authorise or approve the Agreement were not named as a party or parties to the Agreement; and

(b) the Agreement shall as between the Commonwealth and any State come into force upon being authorised or approved by the Parliament of that State.

(2.) Each State the Parliament of which shall authorise or approve this Agreement is hereafter referred to as a "State" and the expression "the States" hereafter used shall mean where the context so permits or requires all of such States so authorising or approving this Agreement.

2.—(1.) In this Agreement, unless the contrary intention appears—

(a) "basic wage" means the basic wage or living wage as determined under the law of the State for the area in which a housing project has been carried out, including all amounts by way of loadings not of the nature of purely industry loadings legally regarded as constituting part of the primary wage of a locality for an unskilled labourer determined under the State law; but, if no basic wage has been determined under the law of the State for the area concerned, then the basic wage for that area shall be the basic wage as determined by the Commonwealth Court of Conciliation and Arbitration for that area including the loading known as the "prosperity loading"; but if no basic wage has been determined by the said Court for that area, then the basic wage for that area shall be the basic wage determined by the Commonwealth Court of Conciliation and Arbitration relative to "C" Series index number for the "Five Towns" for the State including the loading known as the "prosperity loading" relevant to such index number;

(b) "dependant" means a person who is wholly or partly dependent for his or her support upon the pay earnings and income of, or upon a pension or compensation payable in consequence of the incapacity or death of a person who is, or has been, a member of the Forces or of a person who is serving or served in the Merchant Navy during the war;

(c) "dwelling" or "dwellings" means a dwelling or dwellings erected in the carrying out of a housing project and includes any dwellings erected after the third day of December, 1943, pursuant to any arrangement made by the State with the Commonwealth War Housing Trust;

(d) "financial year" means the period of twelve months ending on the thirtieth day of June;

(e) "housing authority" means an instrumentality of a State or other body constituted by an Act of the State which in pursuance of an Act of the State carries out any housing project;

(f) "housing project" or "housing projects" means a rental housing project or rental housing projects carried out by a State pursuant to this Agreement and includes, where the context so permits or requires, any housing project carried out by the State after the third day of December, 1943, and before the date of this Agreement pursuant to any arrangement made by the State with the Commonwealth War Housing Trust;

(g) "member of the Forces" means—

(i) a person who is or was, during the war, a member of the Permanent Forces, other than the Australian Imperial Force;

THE SCHEDULE—*continued.*

- (ii) a person who is or was, during the war, a member of the Australian Imperial Force ;
 - (iii) a member of the Citizen Forces who is or was enlisted, appointed or called up for continuous service for the duration of, and directly in connexion with, the war ;
 - (iv) a person who is or was, during the war, engaged on continuous full-time service as a member of any of the following Services :—
 - The Royal Australian Naval Nursing Service ;
 - The Women's Royal Australian Naval Service ;
 - The Australian Army Nursing Service ;
 - The Australian Women's Army Service ;
 - The Australian Army Medical Women's Service ;
 - The Royal Australian Air Force Nursing Service ;
 - The Women's Auxiliary Australian Air Force ;
 - (v) a member of a Voluntary Aid Detachment who is or was, during the war, engaged on continuous full-time paid duty with any part of the Defence Force ;
 - (vi) a member of the Naval, Military or Air Forces of any part of the King's dominions other than Australia, who is or was, during the war, engaged on service and was born in Australia or was, immediately prior to his becoming a member of any of those Forces, domiciled in Australia ; and
 - (vii) a person who is or was, during the war, engaged on continuous full-time service with any Nursing Service or other Women's Service auxiliary to the Naval, Military or Air Forces of any part of the King's dominions other than Australia who was born in Australia or was, immediately prior to her becoming a member of that Service, domiciled in Australia ;
- (h) "the war" means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of this Agreement.

(2.) For the purposes of this Agreement, a member of the Forces who has ceased to be engaged on war service as defined in section 4 of the *Re-establishment and Employment Act 1945* of the Commonwealth shall be deemed to have been discharged.

3.—(1.) Each State shall ensure that adequate legislation exists in the State to enable it at all times to control throughout the State—

- (a) rental housing projects under this Agreement ;
- (b) slum clearance ; and
- (c) town planning.

(2.) Each State shall, subject to this Agreement, be responsible for the administration of its housing projects and if more than one authority is charged with the administration of the matters mentioned in sub-clause (1.) of this clause the State shall co-ordinate the activities of those authorities.

(3.) Each State shall advise the Treasurer of the Commonwealth of any arrangements it intends to make to ensure decentralisation of administrative work in relation to its housing projects.

4.—(1.) Each State shall establish and shall advise the Treasurer of the Commonwealth of minimum and maximum standards to be observed in the carrying out of its housing projects in respect of the following matters :—

- (a) allotments or sites ;
- (b) accommodation ;
- (c) construction ;
- (d) equipment ; and
- (e) services.

THE SCHEDULE—*continued.*

(2.) The Commonwealth may from time to time submit to a State proposals for the alteration, modification, or revision of the standards established as provided in sub-clause (1.) of this clause and the State shall give due and proper consideration to any proposals submitted by the Commonwealth.

5. Each State shall allocate dwellings between metropolitan and country areas in such manner as shall from time to time be agreed upon between the Treasurer of the Commonwealth and the Treasurer of the State.

6.—(1.) The Commonwealth will advance to each State the moneys heretofore expended in the carrying out of a housing project or projects and the moneys that shall be hereafter required for the carrying out of the State's housing projects as notified to the Treasurer of the Commonwealth from time to time pursuant to clause 7.

(2.) The State shall repay to the Commonwealth the amount of each advance made to the State together with interest thereon by equal annual instalments of principal and interest, so that the whole of the amount of the advance and interest will be repaid over a period of fifty-three years computed from the date the advance was made, except that where in any case the Treasurer of the Commonwealth and the Treasurer of the State agree that any advance should be repaid over a period shorter than fifty-three years, the amount of that advance and interest thereon shall be repaid by equal annual instalments over that shorter period.

(3.) Each advance shall bear interest at a rate not exceeding the rate payable in respect of the long term Commonwealth Public Loan last raised prior to the date of the advance, or if a Loan is being raised at the date of any advance then that advance shall bear interest at the rate of interest to be paid in respect of the long term Loan then being raised.

7.—(1.) Each State shall at least fourteen days before the first days of January, March, June and September in each year notify the Treasurer of the Commonwealth of all housing projects which it proposes to commence in the ensuing period of three months and in respect of the dwellings included in that housing project or projects shall furnish particulars to the Treasurer of the Commonwealth of the proposed nature and type and estimated cost of each dwelling or group of dwellings.

(2.) Each State shall within a reasonable time after the end of each such period of three months notify the Treasurer of the Commonwealth of the progress of the housing project and shall within a reasonable time after the completion of each housing project notify the Treasurer of the Commonwealth of the capital cost of each dwelling or group of dwellings erected and the economic rent of each of the dwellings.

8. The Commonwealth shall use its best endeavours to enable the States to obtain supplies of building materials and labour required by the States for the carrying out of their housing projects.

9. Each State shall in accordance with principles to be agreed upon from time to time between the Treasurer of the Commonwealth and the Treasurer of the State allocate dwellings amongst persons who are in need of proper housing accommodation and so that in each allocation not less than such number of dwellings erected in each financial year as shall from time to time be agreed upon between the Treasurer of the Commonwealth and the Treasurer of the State shall be allotted to members or discharged members of the Forces, or persons who are serving or served in the Merchant Navy during the war or the dependants of members or discharged members of the Forces or of such persons or widows of deceased members or deceased discharged members of the Forces or of such persons.

10.—(1.) The weekly rent of dwellings shall be calculated in manner provided in the First Schedule to this Agreement. The amount so calculated is in this Agreement referred to as the "economic rent".

THE SCHEDULE—*continued.*

(2.) The provisions for calculation of the economic rent as set out in the First Schedule to this Agreement may from time to time be varied in respect of any particular State by agreement between the Treasurer of the Commonwealth and the Treasurer of that State but so that any such agreement shall have no force or effect unless the Treasurers of all the States agree to the variation.

11.—(1.) Each State agrees that tenants of dwellings may be granted a rebate of rent calculated in such manner as may from time to time be agreed upon between the Treasurer of the Commonwealth and the Treasurer of the State and unless and until otherwise agreed, in the manner provided in this clause (but so that in no case shall the rent of a dwelling be less than eight shillings per week), that is to say:—

- (a) if the family income of the tenant is equal to the basic wage the rebate shall be an amount equivalent to the sum by which the economic rent of the dwelling exceeds one-fifth of the family income;
- (b) if the family income of a tenant is less than the basic wage the rebate which would have been granted if the family income had been equal to the basic wage shall be increased by one-quarter of the amount by which the family income is less than the basic wage; and
- (c) if the family income exceeds the basic wage the rebate which would have been granted if the family income had been equal to the basic wage shall be decreased by one-third of the amount by which the family income exceeds the basic wage.

If any rebate as so calculated is not a multiple of sixpence, the rebate shall be the next lowest multiple of sixpence.

(2.) Any agreement between the Treasurer of the Commonwealth and the Treasurer of a State providing with respect to that State for the alteration of the manner in which a rebate of rental is to be calculated shall have no force or effect unless the Treasurers of all the States agree to such alteration.

(3.) No rebate of rent shall be granted in respect of any dwelling except upon application by the tenant and after a proper investigation of the family income of the tenant or if the housing authority thinks fit upon production by the tenant of evidence to the satisfaction of the housing authority of the family income which evidence may be by way of Statutory Declaration or otherwise as the housing authority may in any particular case decide. If any rebate is granted, then at the expiration of a period of six months after the granting thereof, the rebate shall cease to be granted and the economic rent of the dwelling shall be charged, unless the tenant makes application for the grant of a rebate and the housing authority, after proper investigation or the production of evidence as aforesaid as the housing authority thinks fit, is satisfied that, in pursuance of this Agreement, the rebate should be granted. Notwithstanding the aforesaid provisions, the housing authority may at any time investigate the family income of a tenant, and may decide that the rebate should be varied or should cease to be granted.

(4.) The agreement of tenancy in respect of any dwelling in respect of which any rebate of rent is granted shall provide that the rent of the dwelling shall be the economic rent thereof calculated in manner provided by the First Schedule to this Agreement, but subject to such a rebate ascertained as provided by this Agreement as may be granted from time to time by the housing authority.

12.—(1.) The family income of a tenant of a dwelling shall for the purposes of clause 11 comprise the total of the following:—

- (a) the whole of the weekly income of that one of the following persons who has the highest weekly income, namely, the tenant, the spouse of the tenant, and any person resident in the dwelling who is related to the tenant or the spouse of the tenant;
- (b) two-thirds of the weekly income of that one of the persons mentioned in paragraph (a) of this sub-clause who has the next highest weekly income;
- (c) one-third of the weekly income of every other person such as is mentioned in paragraph (a) of this sub-clause whose weekly income or any part thereof has not previously been included in the weekly income computed as aforesaid, but so that, in any such case, not more than thirty shillings of the weekly income of any person to whom this paragraph refers shall be included, and where the weekly income of any such person is less than ten shillings the income of that person shall be excluded in computing the family income; and

THE SCHEDULE—*continued.*

- (d) one-third of the weekly income of any person living with the tenant and resident in the dwelling (not being the spouse of the tenant or a person who is related to the tenant or the spouse of the tenant) whose weekly income, in the opinion of the housing authority, should be included in the weekly income, but so that, in any such case, not more than thirty shillings of the weekly income of any such person shall be included, and where the weekly income of any such person is less than ten shillings the income of that person shall be excluded in computing the family income.

(2.) In this clause weekly income of any person includes all income received by that person from whatsoever source, and includes the value of any allowances made to that person by his or her employer, but does not include any amount received under the *Child Endowment Act 1941-1945* of the Commonwealth, or the *Maternity Allowance Act 1912-1943* of the Commonwealth. In computing the weekly income of any person no allowance shall be made for taxation or other statutory deductions or payments, or superannuation payments and all such deductions and payments shall be deemed to be part of the weekly income.

(3.) For the purposes of this clause, a person who has been adopted by any other person shall be deemed to be related to that other person.

(4.) If pursuant to the order of any Court or pursuant to any separation agreement, the tenant and the spouse of the tenant are living apart or, if the housing authority is satisfied that the tenant (if a woman) has been deserted by her spouse, the weekly income of the spouse shall not be included in the family income for the purposes of this clause unless the housing authority is of opinion that that weekly income should be so included.

(5.) If at any time it is necessary to ascertain the weekly income of any person for the purposes of this clause and the housing authority is of opinion that, at that time, the weekly income is more or is less than the weekly income usually received by that person, the weekly income of that person shall, for the purposes of this clause, be presumed to be the usual weekly income of that person except in a case where the housing authority is of opinion that such a presumption would cause undue hardship.

13. The housing authority shall be responsible for the maintenance in good repair and condition of dwellings leased and their equipment.

14.—(1.) A dwelling may be sold by a State at any time after its completion but except with the consent in writing of the Treasurer of the Commonwealth a dwelling shall not be sold at or for a price less than the capital cost of the dwelling ascertained in accordance with the provisions of the First Schedule to this Agreement: Provided that the total repayments of principal (included in the annual amortisation allowance mentioned in sub-paragraph (a) of paragraph 4 of the First Schedule to this Agreement) in respect of the dwelling may be regarded as part of the purchase price.

(2.) The State shall pay to the Commonwealth the full purchase price of the dwelling payable by the purchaser.

(3.) Any loss resulting from the sale of a dwelling as provided in sub-clause (1.) of this clause shall be included as a separate item in the annual statement supplied by the Treasurer of the State to Treasurer of the Commonwealth as provided in paragraph 1 of the Second Schedule to this Agreement and shall be borne as to three-fifths by the Commonwealth and as to two-fifths by the State.

(4.) This Agreement shall as from the date of sale of a dwelling cease to apply to that dwelling.

15.—(1.) With the object of assisting each of the States in the administration of its housing projects, the Commonwealth subject to the State observing the provisions of this Agreement on its part to be observed will after the end of each financial year concerned contribute to each State a portion of any losses incurred in that financial year by the State in or in connexion with the administration by the State of its housing projects. Any such loss shall be ascertained in manner provided by the Second Schedule to this Agreement.

(2.) The provisions for calculation of the manner of ascertaining losses incurred by a State in respect of its housing projects as set out in the Second Schedule to this Agreement may from time to time be varied by agreement between the Treasurer of the Commonwealth and the Treasurer of the State but so that any such agreement shall have no force or effect unless the Treasurers of all the States agree to such variation.

THE SCHEDULE—*continued*.

(3.) In respect of the cost incurred in or in connexion with the provision by a State of community facilities associated with any housing project under this Agreement the Treasurer of the Commonwealth and the Treasurer of the State may enter into an arrangement providing for a contribution by the Commonwealth of such amount as may be agreed upon between them.

16.—(1.) Subject as provided in sub-clause (2.) of this clause, this Agreement shall as between the Commonwealth and each State apply (in addition to a housing project carried out by a State after the third day of December, 1943, and before the date of this Agreement) to housing projects commenced or carried out during the period of ten years commencing on the date on which this Agreement between the Commonwealth and that State shall come into force.

(2.) Either the Commonwealth or a State may give to the other twelve calendar months' notice in writing that this Agreement shall not as between the Commonwealth and that State apply to any housing project commenced after the expiration of a period of twelve calendar months after the date of the notice and thereupon this Agreement shall not apply to any housing project commenced by that State after the expiration of the said period of twelve calendar months.

17. Any notice or communication to be given or made by the Commonwealth to a State under this Agreement shall be deemed to have been duly given or made if signed by or on behalf of the Prime Minister and sent by prepaid post addressed to the Premier of the State and any notice or communication to be given or made by a State to the Commonwealth under this Agreement shall be deemed to have been duly given or made if signed by or on behalf of the Premier of the State and sent by prepaid post addressed to the Prime Minister.

THE FIRST SCHEDULE TO THE COMMONWEALTH AND STATE HOUSING AGREEMENT.

PROVISIONS FOR CALCULATION OF ECONOMIC RENTS.

1. The capital cost of any housing project carried out by a housing authority shall be the total of the following amounts :—

- (a) the amount expended by the housing authority in the construction of the dwellings included in the housing project (including the provision of fencing, sewerage and other services), and in the construction of any outbuildings, and in carrying out any improvements on the land appurtenant to the dwellings;
- (b) any interest paid or payable during the course of construction by the housing authority on the amounts expended as provided in sub-paragraph (a) of this paragraph;
- (c) any costs incurred or assessed by way of fees or salaries paid or payable to architects, clerks of works, surveyors or other persons, by the housing authority in the sub-division of the land comprised in the housing project, in the design of the housing project or the dwellings comprised therein, the supervision of the construction of the dwellings, or in carrying out any other works necessary to prepare and complete the housing project;
- (d) any administration costs incurred or assessed by the housing authority in the carrying out of the housing project or the construction of the dwellings comprised therein or incurred or assessed in the purchase of the land upon which the housing project is carried out, but so that the total of all such costs shall not exceed ten shillings per centum of the amount referred to in sub-paragraph (a) of this paragraph or such other percentage as may from time to time be agreed upon by the Treasurer of the Commonwealth and the Treasurer of a State;
- (e) the cost of the land upon which the housing project is carried out (including land dedicated or otherwise set apart for streets, roads or thoroughfares or for parks, gardens, reserves, or other public open spaces) together with any interest paid or payable by the housing authority upon the purchase price of the land from the time of the purchase thereof until the completion of the housing project, and together with any local government, water, sewerage or other rates and taxes paid or payable by the housing authority in respect of the said land during the said period (whether any such rates and taxes are payable to the Government of the State or otherwise): Provided that the amount of the said cost in respect of land dedicated or set apart for parks, gardens, reserves or other public open spaces which may be included in the capital cost shall not exceed fifteen per

THE SCHEDULE—continued.

centum of the cost of all the land referred to in this sub-paragraph. or such other percentage as may from time to time be agreed between the Treasurer of the Commonwealth and the Treasurer of a State :

- (f) the cost incurred by the housing authority for the purposes of forming, making, paving, kerbing or draining any streets, roads or thoroughfares for the purpose of the housing project : and
- (g) the cost incurred by the housing authority of draining or otherwise making suitable for the purpose of the housing project, any land comprised in the housing project.

2. The capital cost of any dwelling included in a housing project shall be ascertained as follows :—

- (a) If all the dwellings included in the housing project provide the same or substantially the same accommodation and are of the same kind of construction, the capital cost of each dwelling shall be the quotient obtained by dividing the capital cost of the housing project by the number of dwellings included therein.
- (b) If more than one type of dwelling is included in the housing project and so that the accommodation provided in each type is substantially different from the accommodation provided in the other types of dwellings, the capital cost of the dwellings of each type which are of the same kind of construction shall be the total of—
 - (i) the quotient obtained by dividing the total of the amounts mentioned in sub-paragraphs (a) and (b) of paragraph 1 of this Schedule and expended or paid or payable for the purpose of the construction of dwellings of that type and of that kind of construction, by the total number of dwellings of that type and of that kind of construction ; and
 - (ii) the quotient obtained by dividing the total of the amounts mentioned in sub-paragraphs (c) to (g) (inclusive) of paragraph 1 of this Schedule, by the total number of dwellings included in the housing project.
- (c) If dwellings of more than one kind of construction are included in the housing project, the capital cost of dwellings of each kind of construction shall be ascertained in the manner provided by sub-paragraph (b) of this paragraph and the provisions of that sub-paragraph shall *mutatis mutandis* apply accordingly.

3. If at any time it is necessary for the housing authority to ascertain the capital cost of a dwelling and to fix the economic rent thereof, and by reason of the non-completion of the whole of the housing project in which the dwelling is comprised or for any other reason, the capital cost cannot be ascertained exactly, the housing authority shall make an estimate of the probable capital cost of the dwelling and fix the economic rent of the dwelling upon that estimate. The actual capital cost of the dwelling shall be ascertained by the housing authority as soon as may be and, if the actual capital cost differs from the estimated capital cost, the economic rent of the dwelling shall be varied accordingly.

4. The economic rent of any dwelling shall be calculated by the housing authority according to the following formula :—

(a) Annual amortisation allowance to provide for payment of interest (at the appropriate rate payable by the State to the Commonwealth) on the capital cost of the dwelling over 53 years or over such shorter period as may be agreed upon according to clause 6 of this Agreement and repayment of principal	..	..	..	..	..	..	_____
(b) Maintenance	..	..	..	..	..	..	_____
(c) Rates and taxes	..	..	..	..	..	..	_____
(d) Insurance	..	..	..	..	..	..	_____
Sub-total	..	..	..	..	..	..	_____
Vacancies and defaults (5 per cent. of sub-total)	..	..	..	..	..	..	_____
(e) Administration	..	..	..	..	..	..	_____
Annual Rent	..	..	..	..	..	..	_____
(f) Economic rent ($\frac{7}{365}$ of annual rent)	..	..	..	..	..	..	_____

THE SCHEDULE—*continued.*

- (a) The amortisation allowance shall be an amount which is sufficient to make provision for the repayment to the Commonwealth of the advance concerned and interest thereon as provided for by clause 6 of this Agreement. The amortisation allowance shall be so computed that the capital cost shall be recouped to the housing authority together with interest on the capital cost or any outstanding balance thereof, by means of equal annual instalments of principal and interest during the whole period for the amortisation of the capital cost.
 - (b) The amount to be included for maintenance shall be the amount fixed by the housing authority from time to time. The amount so fixed shall, except when varied by the housing authority, be constant over the amortisation period in respect of the dwelling and be an amount which, in the opinion of the housing authority, will be sufficient to provide for reasonable maintenance charges likely to be incurred throughout the amortisation period.
 - (c) The amount to be included for rates and taxes shall be such amount as the housing authority from time to time considers sufficient to meet the payments of local government, water, sewerage and other rates and of taxes levied upon the dwelling and its appurtenant land.
 - (d) The amount to be included as insurance shall be such amount as the housing authority from time to time considers sufficient to provide for the purpose, but shall not exceed the appropriate basic premium rates from time to time determined by the War Service Homes Commissioner with respect to property insured in pursuance of section 38 of the *War Service Homes Act 1918* of the Commonwealth as amended from time to time.
 - (e) The amount to be included for administration shall be such amount, not exceeding five pounds per dwelling per annum, as is fixed from time to time by the housing authority.
 - (f) The amount to be fixed as the economic rent shall, if the amount fixed according to the formula is not a multiple of sixpence, be the next higher amount being such a multiple.
5. Subject to compliance with the other provisions of this Schedule, the housing authority may from time to time vary the economic rent payable in respect of any dwelling.
6. The housing authority may fix as the economic rent of any dwelling a sum which is greater or less than the amount which, in accordance with the formula in paragraph 4 of this Schedule, should be fixed as the economic rent, but the total of all rents fixed as economic rents for all dwellings in all the housing projects of the housing authority completed at the time of fixation shall be not less than the amount which would be the total of all economic rents fixed for all those dwellings if fixed in accordance with the formula in paragraph 4 of this Schedule.

THE SECOND SCHEDULE TO THE COMMONWEALTH AND
STATE HOUSING AGREEMENT.

MANNER OF ASCERTAINING LOSSES INCURRED BY A STATE IN OR IN CONNEXION
WITH THE ADMINISTRATION OF HOUSING PROJECTS.

1. As soon as practicable after the end of each financial year, the Treasurer of the State shall supply to the Treasurer of the Commonwealth a statement showing the amount of any losses incurred by the State during the financial year in respect of its housing projects. The following provisions shall apply for the purpose of preparing any such statement.
2. The basis on which any such statement shall be prepared for any such losses ascertained in respect of any financial year shall be the basis of cash receipts and payments for that financial year.
3. The statement shall be divided into two parts, one headed "Receipts" and the other headed "Payments".
4. The part headed "Receipts" shall consist of the following:—
 - (a) the amounts actually received during that financial year as rents from tenants of all dwellings included in the housing projects; and
 - (b) any other amounts actually received as revenue during that financial year from the housing projects.

THE SCHEDULE—*continued*.

5. The part headed "Payments" shall consist of the following :—

- (a) the total of any amounts paid by the housing authorities during that financial year for the administration costs of the housing authorities in respect of the letting and management of dwellings included in the housing projects, and otherwise in the administration and management of the housing projects but not including any administration costs included as part of the capital costs of any dwellings ;
- (b) the total of any amounts paid by the housing authorities during that financial year for the maintenance of the dwellings included in the housing projects and any land appurtenant to any such dwellings ;
- (c) the total of any amounts paid by the housing authorities during that financial year by way of local government, water or sewerage, or other rates or by way of taxes payable in respect of the dwellings included in the housing projects, or any land appurtenant to any such dwellings and whether any such rates or taxes were paid to the Government of the State or otherwise ;
- (d) the total of any amounts paid by the housing authorities during that financial year to rebuild or repair any dwelling included in the housing projects which has been destroyed or damaged by fire or otherwise ;
- (e) the total of any amounts paid by the housing authorities during that financial year as interest on any loan advanced to the housing authorities by the State for the purpose of carrying out any housing project and which has not been included as part of the capital cost of the housing project ; and
- (f) the total of any amounts paid by the housing authorities in repayment of any loan advanced to them by the State for the purpose of carrying out any housing project.

6. If the total of the part headed "Payments" exceeds the total of the part headed "Receipts" the total of the part headed "Receipts" shall be subtracted from the total of the part headed "Payments" and the sum so obtained shall be deemed to be the loss incurred by the State in that year and shall be allocated as to three-fifths to the Commonwealth and as to two-fifths to the State.

7. Any statement made pursuant to this Schedule shall be certified as correct by the Auditor-General of the State.

8. For the purpose of ascertaining any loss incurred during any financial year in respect of housing projects the receipts and payments in respect of that financial year only shall be taken into account and no regard shall be had to any receipts and payments in any previous financial year received or made by the housing authority, the Commonwealth, or the State.

LOAN (HOUSING).

No. 45 of 1945.

An Act to authorize the Raising of Moneys to be advanced to the States for the purposes of Housing.

[Assented to 11th October, 1945.]

[Date of commencement, 8th November, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Loan (Housing) Act 1945*.

Short title.

Authority to
borrow
£15,000,000.

2. The Treasurer may, from time to time, under the provisions of the *Commonwealth Inscribed Stock Act* 1911-1945, or under the provisions of any Act authorizing the issue of Treasury Bills, borrow moneys not exceeding in the whole the sum of Fifteen million pounds.

Application
of moneys.

3. Moneys borrowed under this Act shall be issued and applied only for the expenses of borrowing and for making advances to the States for the purposes of housing in pursuance of the agreement the execution of which is authorized by the *Commonwealth and State Housing Agreement Act* 1945.

TUBERCULOSIS.

No. 46 of 1945.

An Act to provide Financial Assistance to the States for use in connexion with Tuberculosis, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Tuberculosis Act* 1945.

Commencement.

2. This Act shall come into operation on a date to be fixed by proclamation.

Definitions.

3. In this Act, unless the contrary intention appears—

“after-care facilities” means any facilities, clinics or institutions (other than tuberculosis hospitals) which are—

(a) provided or conducted by the Government of any State or by any authority of any such Government for the purpose of the after-care, restoration to health, and rehabilitation of persons who suffer or have suffered from tuberculosis;

(b) established after the commencement of this Act; and

(c) approved by the Minister;

“ diagnostic facilities ” means any facilities, clinics or dispensaries (other than tuberculosis hospitals) which are—

- (a) provided or conducted by the Government of any State or by any authority of any such Government for the purpose of the discovery, diagnosis and treatment of tuberculosis in persons ;
- (b) established after the commencement of this Act : and
- (c) approved by the Minister ;

“ tuberculosis hospital ” means any establishment or part of an establishment which is—

- (a) conducted by the Government of any State or by any authority of any such Government exclusively for the accommodation and treatment as resident in-patients of persons suffering from tuberculosis ;
- (b) established after the commencement of this Act ; and
- (c) approved by the Minister,

and in which no charge is made for accommodation and treatment in public wards ;

“ year ” means financial year.

4.—(1.) An amount determined in accordance with this section shall be payable in every year to each State upon the condition that the amount is applied by the State for the maintenance of diagnostic facilities.

Payments to States in respect of diagnostic and after-care facilities.

(2.) An amount determined in accordance with this section shall be payable in every year to each State upon the condition that the amount is applied by the State for the maintenance of after-care facilities.

(3.) The amounts payable under this section in respect of each year shall be determined by the Minister, but the amounts payable to all States under sub-section (1.) of this section shall not exceed in the aggregate Fifty thousand pounds in any year, and the amounts payable to all States under sub-section (2.) of this section shall not exceed in the aggregate Fifty thousand pounds in any year.

(4.) Any amount paid to a State under this section in any year shall be paid upon condition that an equal amount is made available by the State in the same year and applied by the State for the purposes for which the amount is payable under this section.

5.—(1.) There shall be payable to each State in every year an amount equal to the sum of the amounts arrived at by multiplying the prescribed daily rate in force on each day during the year by the number of the patients in all tuberculosis hospitals in the State on that day.

Payments to States in respect of patients in hospitals.

(2.) In ascertaining the number of patients in a tuberculosis hospital on any day, patients admitted on that day shall be counted, but patients discharged on that day shall not be counted.

Special
allowances to
sufferers and
their
dependants.

6.—(1.) In any case in which the Minister, or an officer authorized by the Minister to act under this section, is satisfied that the payment of a special allowance under this section will—

- (a) assist in preventing the spread of tuberculosis, or
- (b) promote the better treatment of tuberculosis,

there shall be payable to or in respect of a sufferer from tuberculosis (other than a sufferer, without dependants, who is a resident in-patient of any tuberculosis hospital or other hospital or institution) or a dependant of any such sufferer a special allowance at such rate (if any) as is determined by the Minister or officer, but not exceeding the prescribed maximum rate applicable to that sufferer or dependant.

(2.) Payments under this section shall be made in such circumstances and on such conditions (if any) as are prescribed.

Payments to
be made from
National
Welfare Fund

7. Payments under this Act shall be made out of the Trust Account established under the *National Welfare Fund Act 1943-1945* and known as the National Welfare Fund.

Regulations.

8. The Governor-General may make regulations not inconsistent with this Act prescribing all matters which are by this Act required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for three months for offences against the regulations.

HOSPITAL BENEFITS.

No. 47 of 1945.

An Act relating to Hospital Benefits, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Citation.

1. This Act may be cited as the *Hospital Benefits Act 1945*.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Execution of
agreements
relating to
hospital
benefits.

3. The execution, by or on behalf of the Commonwealth, of agreements with all or any of the States, relating to the provision of hospital benefits, substantially in accordance with the heads of agreement specified in the Schedule to this Act, is hereby authorized.

4. The regulations may make provision for and in relation to payments by the Commonwealth of hospital benefits, at such rates and subject to such conditions as are prescribed, in respect of patients in private hospitals as defined by the regulations.

Private hospitals.

5. The Treasurer may pay to the Minister of State for Health such sums as are agreed upon between the Treasurer and that Minister towards the maintenance of public hospitals in the Australian Capital Territory and the Northern Territory.

Territories.

6.—(1.) There shall be payable, for each financial year, to such of the States as the Minister determines (being States which have executed agreements with the Commonwealth under this Act), by way of financial assistance, a sum not exceeding in the aggregate Five hundred thousand pounds.

Payments in respect of medical attendance, &c., in public wards of public hospitals

(2.) The amount to be paid to any such State for any financial year shall be such amount (if any) as the Minister determines.

(3.) An amount payable to a State under this section for any financial year shall be paid upon condition that an amount not less than the first-mentioned amount is used by that State, in that financial year, in such manner and subject to such conditions as the Minister approves, in or towards the payment of salaries to medical practitioners, and to professional persons of such other classes as the Minister approves, attending qualified persons in public wards in public hospitals.

(4.) In the last preceding sub-section, the expressions "qualified persons", "public wards" and "public hospitals" have, in relation to any State, the same meanings as those expressions have in the agreement executed between the Commonwealth and that State under this Act.

7. Payments for the purposes of this Act or the regulations, or for the purposes of any agreement the execution of which is authorized by this Act, shall be made out of the Trust Account established under the *National Welfare Fund Act 1943-1945* and known as the National Welfare Fund.

Payment of hospital benefits to be made from National Welfare Fund.

8. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are by this Act required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular, for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding three months, for offences against the regulations.

Regulations.

THE SCHEDULE.

Section 3.

HOSPITAL BENEFITS: HEADS OF AGREEMENT.

1. The agreement shall not have any force or effect unless and until authorized or approved by the Parliament of the State concerned.

2. The agreement shall be in force for a minimum period of five years and thereafter shall be subject to termination after [here specify a period of notice by either party of not less than one year].

THE SCHEDULE—*continued.*

3. The Commonwealth shall, subject to compliance by the State with the provisions of the agreement, pay to the State, by way of financial assistance, in respect of beds occupied by qualified persons in public and non-public wards in public hospitals, amounts determined in accordance with the agreement.

4. The amount to be paid by the Commonwealth for any financial year in respect of beds in public wards in public hospitals shall be determined by multiplying the Commonwealth Hospital Benefit Rate for Public Wards by the number of daily occupied beds in public wards in that financial year.

5. The amount to be paid by the Commonwealth for any financial year in respect of beds in non-public wards in public hospitals shall be determined by multiplying the Commonwealth Hospital Benefit Rate for Non-public Wards by the number of daily occupied beds in non-public wards in that financial year.

6.—(1.) The State shall, out of the amount paid to the State for each financial year under paragraph four of this Schedule, set aside the amount (if any) ascertained by subtracting from the amount so paid the aggregate of—

(a) the amount ascertained by multiplying the Commonwealth Hospital Benefit Expenditure Rate for Public Wards by the number of daily occupied beds in public wards in that financial year; and

(b) the amount by which donations (including voluntary contributions) received by public hospitals during that financial year and used for the maintenance of public hospitals is less than *[here insert an amount determined by the Commonwealth and the State based on the average amount received by public hospitals during the financial years 1942–43 and 1943–44 by way of donations (including voluntary contributions) and used for the maintenance of public hospitals]*.

(2.) The State shall not use the amount so set aside, or interest thereon, otherwise than for capital expenditure on public hospitals as approved by the Commonwealth.

7. If the amount paid to the State for any financial year under paragraph four of this Schedule is less than the aggregate of the amounts referred to in clauses (a) and (b) of sub-paragraph (1.) of the last preceding paragraph, the Commonwealth shall pay to the State the amount of the difference.

8.—(1.) Subject to the next succeeding paragraph, the State shall ensure that no means test is imposed on, and that no fees are charged to or in respect of, qualified persons occupying beds in public wards in public hospitals.

(2.) The State may permit a public hospital to charge fees in respect of beds in a public ward which are temporarily used as non-public ward beds.

9.—(1.) The State shall ensure that the charges per day payable by qualified persons in respect of beds in non-public wards in public hospitals shall be reduced by the amount of the Commonwealth Hospital Benefit Rate for Non-public Wards.

(2.) The State shall ensure that no increase in those charges is made without the concurrence of the Commonwealth and that any such increase made after the first day of September, 1945, and prior to the date of the agreement shall cease to be applied, as from the date of the agreement, unless the Commonwealth concurs in the increase.

(3.) The Commonwealth shall not refuse its concurrence under the last preceding sub-paragraph in respect of any increase of charges necessitated by increased costs.

(4.) The State shall ensure that, except with the concurrence of the Commonwealth, no charge is made to qualified persons for services or comforts in public or non-public wards in public hospitals for which it was not customary to make a charge as at the first day of September, 1945.

10. The Commonwealth and the State, in conjunction with any other State which enters into an agreement with the Commonwealth in terms similar to the terms of the agreement, shall establish a council, to be known as the National Hospital Council to advise the Commonwealth and the States with respect to any matter relating to hospitals which is referred to the Council by the Commonwealth or a State.

11. The agreement may provide that nothing in the agreement shall be construed so as to affect the State's control of clinical teaching and research in public hospitals.

12. The agreement may contain such incidental and supplementary provisions as are necessary to give effect to the Commonwealth Hospital Benefits Scheme.

THE SCHEDULE—*continued.*

13. The agreement shall contain definitions substantially to the following effect and such other definitions as are necessary :—

- “the Commonwealth Hospital Benefit Rate for Public Wards” means Six shillings or such other rate as is, from time to time, agreed upon between the Commonwealth and the State ;
- “the Commonwealth Hospital Benefit Rate for Non-public Wards” means Six shillings or such other rate as is, from time to time, agreed upon between the Commonwealth and the State ;
- “the Commonwealth Hospital Benefit Expenditure Rate for Public Wards” means *[here insert an amount determined by the Commonwealth and the State based on the average amount recovered during the financial years 1942–43 and 1943–44 from patients in public wards for each daily occupied bed]* or such other amount as is, from time to time, agreed upon between the Commonwealth and the State ;
- “public hospital” means a hospital (not being a tuberculosis hospital within the meaning of the *Tuberculosis Act 1945*) which—
 - (a) is ordinarily recognized as a public hospital ; and
 - (b) is in receipt of a grant for maintenance from the State, and includes a State institution used for hospital purposes and a ward in any other institution maintained or subsidized by the State which is used for hospital purposes and is for the time being approved by the Commonwealth.
- “public ward” means a ward which is ordinarily recognized as a public ward .
- “non-public ward” means a ward other than a public ward ;
- “qualified person” means a person who was ordinarily resident in Australia at the time of admission to a public hospital and is occupying a bed for the purposes of hospital treatment, and includes, where two or more children are born at one birth, any child born at that birth in excess of one, and also any newly born child except during the time the mother of that child is occupying a bed, but does not include a member of the staff of a public hospital receiving treatment in his own quarters or a person whose fees are borne by the Commonwealth or who has received, or is entitled to receive, those fees under any law in force in the State ; and
- “daily occupied bed” means a bed occupied by a qualified person for a full day (the day of admission and the day of discharge together being counted as one day).

WAR CRIMES.

No. 48 of 1945.

An Act to provide for the Trial and Punishment of War Criminals.

[Assented to 11th October, 1945.]

WHEREAS it is expedient to make provision for the trial and punishment of violations of the laws and usages of war committed during any war in which His Majesty has been engaged since the second day of September, One thousand nine hundred and thirty-nine, against any persons who were at any time resident in Australia or against certain other persons : Preamble.

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *War Crimes Act 1945*.

Short title.

Commencement. 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definitions

3. In this Act, unless the contrary intention appears—

“any war” means any war in which His Majesty has been engaged since the second day of September, One thousand nine hundred and thirty-nine;

“Australia” includes the Territories of the Commonwealth;

“military court” means a military court convened under this Act;

“officer” means an officer of any part of the Defence Force or of any naval, military or air forces of any Power allied or associated with His Majesty in any war;

“this Act” includes all regulations and rules made thereunder;

“war crime” means—

(a) a violation of the laws and usages of war; or

(b) any war crime within the meaning of the instrument of appointment of the Board of Inquiry appointed on the third day of September, One thousand nine hundred and forty-five, under the National Security (Inquiries) Regulations (being Statutory Rules 1941, No. 35, as amended by Statutory Rules 1941, Nos. 74 and 114 and Statutory Rules 1942, No. 273),

committed in any place whatsoever, whether within or beyond Australia, during any war.

**Application
of Act to
Territories,
Military
courts.**

4. This Act shall extend to every Territory of the Commonwealth.

5.—(1.) The Governor-General may—

(a) convene military courts for the trial of persons charged with the commission of war crimes;

(b) appoint officers to constitute military courts;

(c) confirm the finding or finding and sentence of any military court or send back the finding and sentence or either of them for revision;

(d) mitigate or remit the punishment or any part of the punishment awarded by any sentence, or commute the punishment for any less punishment to which the offender might have been sentenced by the military court; and

(e) suspend the execution or currency of any sentence on such terms and conditions (if any) as the Governor-General determines.

(2.) Any appointment of an officer under this section may be by name or by designation of an office and may be subject to such restrictions, reservations, exceptions and conditions as the Governor-General determines.

(3.) A military court shall consist of not less than two officers in addition to the President of the court.

(4.) Notwithstanding anything contained in this Act, the Governor-General or any person authorized under this Act to convene military courts may appoint as a member (other than the President) of the court one or more officers of the naval, military or air forces of any Power allied or associated with His Majesty in any war, who are serving under his command or placed at his disposal for the purpose.

(5.) The number of officers appointed in any case under the last preceding sub-section shall not comprise more than half the members of the court, excluding the President.

6.—(1.) The Governor-General may delegate any of his powers under the last preceding section, either generally or in relation to any particular case or class of cases. Delegation of powers.

(2.) Any such delegation shall be revocable at will, and shall not prevent the exercise of any power by the Governor-General.

(3.) No revocation of a delegation shall affect anything done under the delegation prior to the revocation.

7. A military court shall have power to try persons charged with war crimes committed, at any place whatsoever, whether within or beyond Australia, against any person who was at any time resident in Australia, and for that purpose, subject to any direction by the Governor-General, to sit at any place whatsoever, whether within or beyond Australia. Power of military courts.

8.—(1.) If it appears to an officer authorized under this Act to convene military courts that a person within the limits of his command has, at any place, whether within or beyond those limits, committed a war crime, he may direct that that person, if not already in military custody, shall, pending trial, be taken into and kept in military custody in such manner and in the charge of such military unit as the officer directs. Arrest of person suspected of war crime.

(2.) The commanding officer of the unit having charge of the person shall be deemed to be the commanding officer of the person for the purposes of all matters preliminary and relating to trial and punishment.

(3.) Nothing in the last preceding sub-section shall authorize the commanding officer to dismiss the charge or deal with the accused summarily for a war crime.

9.—(1.) At any hearing before a military court the court may take into consideration any oral statement or any document appearing on the face of it to be authentic, provided the statement or document appears to the court to be of assistance in proving or disproving the charge, notwithstanding that the statement or document would not be admissible in evidence before a field general court martial. Evidence.

(2.) Where there is evidence that a war crime has been the result of concerted action upon the part of a unit or group of men, evidence given upon any charge relating to that crime against any member of the unit or group may be received as evidence of the responsibility of each member of that unit or group for that crime.

(3.) A military court shall take judicial notice of the laws and usages of war.

Laws
applicable
to military
courts.

10. Except so far as is inconsistent with this Act, and subject to such exceptions, modifications, adaptations and additions as are prescribed by or under the *Defence Act* 1903-1945 or this Act, the provisions of the Imperial Act known as the Army Act and any Imperial Acts amending or in substitution for it and for the time being in force and the Rules of Procedure made thereunder, in so far as they relate to field general courts-martial and to any matters preliminary or incidental thereto or consequential thereon, shall, so far as applicable, apply to and in relation to military courts and any matters preliminary or incidental thereto or consequential thereon, in like manner as if military courts were field general courts-martial and the accused were persons subject to military law charged with having committed offences on active service.

Punishments.

11.—(1.) A person found guilty by a military court of a war crime may be sentenced to and shall be liable to suffer death (either by hanging or by shooting) or imprisonment for life or for any less term; and, in addition or in substitution therefor, either confiscation of property or a fine of any amount, or both.

(2.) Where a war crime consists wholly or partly of the taking, distribution or destruction of property, the court may, in addition to any such sentence, order the restitution so far as practicable of such property, and, in default of complete restitution, award a penalty determined by the court to be equal in value to the property which has been so taken, distributed or destroyed, and not restored.

(3.) Sentence of death shall not be passed on any person by a military court without the concurrence of—

- (a) the members of the court—if the court consists of not more than three members; or
- (b) at least two-thirds of the members of the court—if the court consists of more than three members.

Extension
of application
of Act.

12. The provisions of this Act shall apply in relation to war crimes committed, in any place whatsoever, whether within or beyond Australia, against British subjects or citizens of any Power allied or associated with His Majesty in any war, in like manner as they apply in relation to war crimes committed against persons who were at any time resident in Australia.

Military
courts to
act in aid.

13. Every military court shall be auxiliary to, and act in aid of—

- (a) every other military court; and
- (b) every court of any other part of His Majesty's dominions or of any Power allied or associated with His Majesty in any war, constituted to try persons charged with war crimes, where those courts are required to be auxiliary to, and act in aid of, military courts.

14. The Governor-General may make regulations or rules prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for or in relation to—

Power to make
regulations or
rules.

- (a) the constitution of military courts ;
- (b) the laying of charges for war crimes ;
- (c) matters preliminary or incidental to the trial of war crimes ;
- (d) the segregation, arrest and custody of persons charged with, or suspected of having committed, war crimes ;
- (e) the powers, duties and procedure (including the reception and admissibility of evidence and the onus of proof), and the revision, confirmation, effect and consequences of the findings and sentences, of military courts, and the mitigation, remission and commutation of the sentences imposed by those courts ; and
- (f) the powers, functions and obligations of any person or class of persons in relation to the trial and punishment of war crimes or in relation to matters preliminary to the trial of war crimes.

WOOL REALIZATION.

No. 49 of 1945.

An Act to approve an Agreement between the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa in relation to the disposal of wool and to provide for the carrying out of the Agreement on the part of the Commonwealth of Australia, and for other purposes.

[Assented to 11th October, 1945.]

WHEREAS, during the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and in which the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa have been jointly engaged, it became necessary and expedient, for the

Preamble.

more effectual prosecution of that war, for the Governments of those parts of the British dominions to enter into certain arrangements for the purchase of wool and sheepskins produced in Australia and elsewhere during that war and for a period thereafter :

AND WHEREAS, as a result of those arrangements and of the course which that war has followed, substantial stocks of wool grown in Australia, New Zealand and South Africa and purchased by His Majesty's Government in the United Kingdom are now in existence :

AND WHEREAS those arrangements have terminated, and it is necessary to provide for the completion of transactions, matters and things which have been entered into or have arisen in the course of carrying out those arrangements and to ensure that those stocks of wool are disposed of in an orderly fashion and in such a way as not only to ensure the best possible realization of those stocks but also to prevent the sale of future clips of wool produced in Australia, New Zealand or South Africa from being prejudicially affected by the realization of those stocks in competition with those future clips :

AND WHEREAS the Governments of the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa have by the exchange of communications entered into an Agreement for the adoption of a plan for and in relation to the disposal of those stocks of wool :

AND WHEREAS it is desirable that the Agreement should be approved and carried into effect :

AND WHEREAS it is necessary, for the purposes hereinbefore referred to, that the National Security (Wool) Regulations, the National Security (Wool Tops) Regulations, the National Security (Price of Wool for Manufacture for Export) Regulations, and the National Security (Sheepskins) Regulations should be continued in force for a limited period :

BE it, therefore, enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1. This Act may be cited as the *Wool Realization Act 1945*.

Commencement.

2. This Act shall come into force on a date to be fixed by Proclamation.

Definitions.

3. In this Act, unless the contrary intention appears—

“ the Central Wool Committee ” means the Central Wool Committee constituted under the National Security (Wool) Regulations ;

“ the Chairman ” means the Chairman of the Commission, and includes the Executive Member of the Commission when acting as Chairman ;

“ the Commission ” means the Australian Wool Realization Commission established by this Act ;

- “ the Disposals Plan ” means the Plan which is set forth in Appendix C to the Report of the Wool Conference held in London between the sixteenth day of April and the twenty-eighth day of May, One thousand nine hundred and forty-five, and the adoption of which has been agreed to by the Governments of the United Kingdom, Australia, New Zealand and South Africa, a copy of which Plan is set forth in the Schedule to this Act ;
- “ the Joint Organization ” means the Joint Disposals Organization constituted in accordance with the Disposals Plan ;
- “ the National Security (Price of Wool for Manufacture for Export) Regulations ” means the Regulations so entitled, being Statutory Rules 1941, No. 34, as amended by Statutory Rules 1941, No. 229 and by Statutory Rules 1942, No. 321 ;
- “ the National Security (Sheepskins) Regulations means the Regulations so entitled, being Statutory Rules 1940, No. 78 ;
- “ the National Security (Wool) Regulations means the Regulations so entitled, being Statutory Rules 1939, No. 108, as amended by Statutory Rules 1940, Nos. 77 and 227, by Statutory Rules 1942, Nos. 244, 496 and 514, and by Statutory Rules 1943, No. 88 ;
- “ the National Security (Wool Tops) Regulations means the Regulations so entitled, being Statutory Rules 1940, No. 80, as amended by Statutory Rules 1943, No. 148.

4. The Agreement between the Governments of the United Kingdom, the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa to adopt and carry out the Disposals Plan, which agreement is embodied in communications between those Governments, is hereby approved.

Approval of Agreement.

5.—(1.) There shall be an Australian Wool Realization Commission which shall consist of a Chairman, an Executive Member (who shall act as Chairman in the absence of the Chairman) and seven other members of whom—

Australian Wool Realization Commission.

- (a) two shall be representative of, and shall be appointed from a panel of four persons selected by, the organization known as the Australian Wool Growers' Council ;
- (b) two shall be representative of, and shall be appointed from a panel of four persons selected by, the organization known as the Australian Wool Producers' Federation ;
- (c) one shall be representative of, and shall be appointed from a panel of two persons selected by, the Federated Storemen and Packers' Union of Australia ; and
- (d) two shall be persons with experience in the valuation or marketing of wool.

(2.) The members of the Commission shall be appointed by, and shall hold office during the pleasure of, the Governor-General.

(3.) The Governor-General may appoint any person to be the deputy of any member of the Commission and, subject to sub-section (1.) of this section, any such deputy shall in the event of the absence (through illness or otherwise) of the member of whom he is the deputy have all the powers and functions of that member under this Act.

(4.) The performance of the duties, or the exercise of the powers and functions, of the Commission shall not be affected by reason only of there being a vacancy in the office of a member of the Commission.

Incorporation.

6.—(1.) The Commission shall be a body corporate with perpetual succession and a common seal and shall be capable of acquiring, holding and disposing of real and personal property and of suing and being sued.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice and shall presume that it was duly affixed.

Remuneration.

7. The members of the Commission shall receive remuneration, and travelling and other allowances, at such rates as are fixed by the Governor-General.

*Meetings of
Commission.*

8.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman or at least three other members, are necessary for the efficient conduct of its affairs.

(2.) At any meeting of the Commission—

(a) five members shall form a quorum;

(b) the Chairman or, in his absence, the Executive Member or, in the absence of both the Chairman and the Executive Member, a member appointed by the members present, shall preside;

(c) all questions shall be decided by a majority of the votes of the members present; and

(d) the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(3.) If the Chairman dissents from any decision of the Commission, signifies at the meeting to the other members present in person his intention to bring his dissent to the notice of the Minister and, within twenty-four hours after the close of the meeting, transmits to the Minister notice of his dissent together with full particulars of the decision, effect shall not be given to the decision unless the Minister approves of the decision (whether with or without variation) and, if the Minister approves of the decision subject to a variation, the decision so approved shall be deemed to be the decision of the Commission.

(4.) Subject to this Act, the Commission may make rules with respect to the order and conduct of the business of the Commission.

*Functions of
Commission.*

9.—(1.) The Commission shall, for the purposes of the Disposals Plan, be the subsidiary in Australia of the Joint Organization.

(2.) The Commission shall have all powers and authorities necessary, conducive or incidental to the carrying out of its duties and functions under the Disposals Plan.

(3.) The Commission shall have and perform all the duties, and shall have and may exercise all the powers, authorities and functions, of the Central Wool Committee under—

- (a) the National Security (Wool) Regulations ;
- (b) the National Security (Wool Tops) Regulations ;
- (c) the National Security (Price of Wool for Manufacture for Export) Regulations ; and
- (d) the National Security (Sheepskins) Regulations,

and for that purpose—

- (i) the Commission shall, by force of this Act, be substituted for, and be deemed to be, the Central Wool Committee ;
- (ii) the assets of the Central Wool Committee shall, by force of this Act, be vested in the Commission ;
- (iii) all rights, obligations and liabilities which, immediately prior to the commencement of this Act, were vested in or imposed on the Central Wool Committee shall, by force of this Act, be vested in or imposed on the Commission ; and
- (iv) in any contract, agreement or other instrument to which the Central Wool Committee was a party, any reference to that Committee shall be read as a reference to the Commission.

10. Any reference in the National Security (Wool) Regulations to the arrangement made between the Government of Great Britain and the Government of the Commonwealth shall include and shall be deemed at all times, on and after the first day of August, One thousand nine hundred and forty-five, to have included a reference to the Disposals Plan.

Extension of
application of
National
Security (Wool)
Regulations.

11. Subject to this Act, the National Security (Wool) Regulations, the National Security (Wool Tops) Regulations, the National Security (Price of Wool for Manufacture for Export) Regulations and the National Security (Sheepskins) Regulations shall, by force of this Act, severally continue in force until such dates as are respectively fixed by Proclamation, and shall, during such continuance, have the force of law.

Continuance of
National
Security (Wool)
Regulations,
National
Security (Wool
Tops)
Regulations,
National
Security (Price
of Wool for
Manufacture
for Export)
Regulations and
National
Security
(Sheepskins)
Regulations

12. All restrictions, directions and authorities issued, all rules, provisions, determinations and recommendations made, all tables and lists prepared, all prices fixed, all approvals, consents and certificates given, all conditions imposed, all remissions and exemptions granted and all things prescribed, by the Central Wool Committee or by any person thereto authorized by or under any of the Regulations specified in the last preceding section, and in force immediately prior to the commencement of this Act, shall continue to have full force and effect, but may be revoked, altered or added to by the Commission in pursuance of the powers conferred by sub-section (3.) of section nine of this Act.

Saving of
acts of Central
Wool
Committee.

Employees of
Central Wool
Committee to
be employers
of Commission.

13. All persons in the employment of the Central Wool Committee immediately prior to the commencement of this Act shall, by force of this Act, be in the employment of the Commission and be deemed to have been employed under this Act, but, until the terms and conditions of their employment are determined in pursuance of this Act, they shall be deemed to be employed upon the same terms as those upon which they were employed by the Central Wool Committee.

Pending
applications.

14. Any application made to the Central Wool Committee and pending immediately prior to the commencement of this Act shall be deemed to have been made to the Commission.

Advisory and
Technical
Committees.

15.—(1.) The Commission may appoint such Advisory or Technical Committees as it thinks fit to advise the Commission on such matters concerning the valuation or disposal of wool as are referred to them by the Commission.

(2.) Each Advisory or Technical Committee may, in addition, furnish to the Commission reports on any matter relating to the wool industry with respect to which the members of the Committee have special knowledge or experience.

Appropriation.

16.—(1.) Subject to the next succeeding sub-section, there shall be payable out of the Consolidated Revenue Fund or out of the proceeds of any loan raised under the authority of any Act (which Fund and which proceeds are hereby appropriated accordingly) such amounts as are required to be paid by the Commonwealth under Part III. of the Disposals Plan.

(2.) Such amounts as are equivalent to the amounts raised under the *Wool (Contributory Charge) Act 1945* shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, and shall be applied—

- (a) in meeting the share of the industry in the operating expenses of the Joint Organization as provided in paragraph three of Part III. of the Disposals Plan ;
- (b) in payment of interest, at such rate as the Treasurer determines, upon the amount from time to time expended by the Commonwealth in purchases of wool in pursuance of the Disposals Plan and unrecouped ;
- (c) in payment in each financial year into the Wool Use Promotion Fund established by the *Wool Use Promotion Act 1945*, of such amounts as in the opinion of the Treasurer, would, but for the operation of the *Wool (Contributory Charge) Assessment Act 1945*, have become payable in that financial year under the *Wool Tax Act 1936-1945* : and
- (d) in respect of the balance, if any, for the benefit of the wool-growing industry.

17.—(1.) The Commission shall open and maintain, with the Commonwealth Bank of Australia or such other bank as the Minister approves, an account into which there shall be paid—

- (a) all moneys received by the Commission in respect of sales of wool or otherwise; and
- (b) all moneys appropriated by the Parliament for the purposes of the Commission.

(2.) The Commission shall, out of the moneys standing to the credit of the account—

- (a) defray all costs, charges and expenses incurred by the Commission in the performance of its duties and the exercise of its powers, authorities and functions under this Act: and
- (b) pay the remuneration and allowances of the members of the Commission and the salaries, wages and allowances of persons appointed or employed by the Commission.

18. The books and accounts of the Commission shall be subject to inspection and audit by the Auditor-General.

Audit of books and accounts.

19. The Commission shall furnish to the Minister a copy of every report furnished by the Commission to the Joint Organization.

Reports.

20. The Commission may, upon such terms and conditions as, subject to the approval of the Public Service Board, the Commission determines, appoint or employ such persons as are necessary for the purposes of the Commission.

Appointment of officers and employees.

21. If an officer of the Public Service of the Commonwealth is appointed to be a member of the Commission or is appointed or employed under the last preceding section, his service under this Act shall, for the purposes of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act 1928-1940* shall apply as if this Act and section had been specified in the Schedule to that Act.

Rights of officers of Public Service.

22.—(1.) Any person who contravenes, or fails to comply with, any regulation continued in force by this Act or any such regulation as affected by this Act or as amended by any regulation made under this Act, shall be guilty of an offence against this Act.

Offences and procedure.

Penalty: One hundred pounds, or imprisonment for six months, or both.

(2.) An offence against this Act shall not be prosecuted without the written consent of the Attorney-General or a person thereto authorized in writing by the Attorney-General.

(3.) For the purpose of the trial of a person for an offence against this Act, the offence shall be deemed to have been committed either at the place in which it actually was committed or at any place in which the person is.

Regulations

23. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for the repeal or alteration of, or addition to, any of the provisions of the National Security (Wool) Regulations, the National Security (Wool Tops) Regulations, the National Security (Price of Wool for Manufacture for Export) Regulations or the National Security (Sheepskins) Regulations.

THE SCHEDULE.

I.

DISPOSALS PLAN.

1. The stock of Dominion grown wool in the ownership of the United Kingdom Government at 31st July, 1945, will be transferred to the joint ownership of the United Kingdom Government and the Dominion Government concerned, and all wool subsequently acquired under this scheme will be in joint ownership. This wool will be held and disposed of by the Joint Organization referred to below.

2. A Joint Disposals Organization will be set up forthwith for the purpose of buying, holding and selling wool on behalf of the United Kingdom and the Dominion Governments concerned. As part of the plan it will be required :—

- (a) to determine total quantities of wool to be offered from time to time concurrently in the Dominions and elsewhere, to be made up of all new clip wool and an appropriate proportion of wool from the Organization's stock.
- (b) to prepare schedules of reserve prices at which the Organization will itself be willing to acquire wool.
- (c) to lift from the market such quantities of new wool as cannot be sold at these reserve prices.
- (d) to hold and dispose of stocks as the agent of the Governments concerned and where necessary to acquire and own stores, plant and equipment for this purpose.
- (e) to facilitate the sale of wool in every way possible, with a view to stimulating demand.

3. As soon as practicable, the method of marketing wool by auction will be resumed. All growers' wool from current clips will be offered at auction, alongside such quantities from stock as may be determined by the Organization. The quantity of new wool required to be taken in by the Organization will be affected by the quantities of old wool offered from time to time. This cannot be prescribed in advance, but will be determined by the Organization in the light of technical considerations and the economical and efficient management of the scheme.

4. The relative prices realized for different types of wool at auctions will reflect the valuations of the market. The general price level of wool will, however, be made effective by the Organization. It will prescribe minimum reserve prices at which it will be willing to take up any unsold new clip, and it will offer at auction wool from its own stocks in such quantities as will prevent prices from rising much above the desired level. In some circumstances the Organization may make standing offers to sell from stock outside the auctions at a fixed percentage above the auction reserve prices, and thus impose a ceiling on prices actually obtainable at auction. Some extension of the selling seasons in the Dominions will be desirable, and special sales of old wool, or sales comprising mostly old wool, may be held during the off-season. The Organization will be prepared, possibly at short notice, to increase or hold back its offerings from stock in some or all of the selling centres to meet fluctuations of demand and to check their influence upon prices.

5. The object of the Organization will be to secure a progressive reduction in stocks while maintaining reasonable stability of price having regard to the conditions of world demand. Reduction of stocks will be achieved as long as the total demand exceeds the supplies of new clip wool which come forward to auction, though in any given year the Organization will be both a seller of old wool and a buyer of new wool.

THE SCHEDULE—*continued.*

6. It will be for the Organization to recommend to the Governments the initial level of reserve prices at which auctions of growers' wool shall commence and any major changes which may thereafter be necessary. The Organization will endeavour to maintain the general price level unchanged within a single season, though it may be necessary to meet a definite trend in demand which appears to be of a lasting character. Changes in the relative prices of different types of wool may also, of course, be necessary. The Organization will have to pay particular attention to securing that the relative reserve prices for wool originating in the three Dominions are properly adjusted. Towards the end of each season the Organization will consider in the light of past experience and future forecasts what changes may be necessary, either in the general level or in relative prices.

7. The Organization will build up the structure of selling prices upon the basis of "c.i.f. Europe", preparing a corresponding schedule of reserve prices "ex store" in the Dominions. Reserve prices will be calculated for the London market, and as soon as practicable growers will be free to forward wool to London for sale there alongside wool from the Organization's stocks.

8. At auction, if no buyer is forthcoming at the reserve price or higher, the lot will be passed in and taken over by the Joint Organization at the auction reserve price, subject to the grower's right of withdrawal.

9. It is recognized that the concurrent marketing of stock and new clips by the method of auction cannot be introduced in full immediately after the 31st July, 1945, since the necessary conditions of free demand and adequate organization and personnel will not then obtain. The Dominions 1945-46 clip will therefore be taken up as a whole by the present methods of appraisement and bulk purchase. On the disposals side, however, it is desirable that auctions should be restarted to a limited degree in the United Kingdom and possibly elsewhere in the course of the season. This would have the great advantage of providing the Organization with practical experience as to the appropriate differentials between the prices of different types of wool in advance of the commencement of general auctions. It is in any case certain that sales of wool will be of much greater importance and complexity during 1945-46 than at any time since 1939, and that during this period foundations will be laid and trade contacts established which will be of great importance in future years. Responsibility for the management of sales should therefore pass to the Organization at the earliest possible date. It will be for the Organization to determine the selling price during the interim period before auctions of growers' wool have commenced.

10. In order to facilitate and expand the consumption of wool the Joint Organization will maintain close contact with the appropriate bodies interested in such matters as furthering the rehabilitation of the wool textile industry in consuming countries, and in securing the replacement and improvement of machinery. It will also maintain close contact with the International Wool Secretariat and other institutions concerned with research, publicity and development designed to increase the uses of wool, and with the reduction of costs of wool production, processing, manufacturing and distribution, and in general will give attention to the removal of any obstacles to consumption.

II.

CONSTITUTION AND FUNCTIONS OF JOINT ORGANIZATION.

1. The Joint Organization will be incorporated as a private registered Company, with a nominal share capital of eight shares, held as to four by nominees of the United Kingdom Government, two by nominees of the Government of Australia, and one each by nominees of the New Zealand and South African Governments. This Company will have three active subsidiaries in the Dominions to act on its behalf, which may be registered Companies or other legal entities.

The Directors of the principal company will consist of an independent Chairman, appointed by the four Governments in agreement, four directors appointed by the United Kingdom Government, two by the Government of Australia, and one each by the Governments of New Zealand and South Africa. In addition, the Chairman of the three Dominion subsidiaries will be *ex officio* Directors of the principal Company without additional voting power.

The functions of the principal Company will be primarily to buy, hold and sell wool as agent for the four Governments and generally to administer the scheme agreed upon between them.

THE SCHEDULE—*continued*.

2. There will be constituted in each of the Dominions a subsidiary for the purpose of conducting the operations of the principal Company in the Dominion in accordance with its policy and decisions.

The functions of each subsidiary will include the following :—

- (a) to hold wool in the Dominion as the agent of the principal Company.
- (b) to sell wool from stocks in the Dominions, and to arrange for the regulation of sales of current clips by auction.
- (c) to assess on the basis laid down by the principal Company the appropriate reserve prices for the individual lots of wool (from stocks or current clips), being offered for sale.
- (d) to take up wool offered at auction for which the reserve price or better is not offered by a commercial buyer.
- (e) to conduct the financial operations of the principal Company in the Dominion.
- (f) to furnish to the principal Company annual reports on its activities, including statements of its accounts and information regarding its purchases, sales and stocks.

3. Representatives of the four Governments will meet prior to the opening of each wool year and at such other times as may be required to agree upon the general level of reserve prices in the light of the advice of the Board of the principal Company. The Board will have discretion to make minor changes in the general level from time to time. It will be the duty of the Board to fix the relative values of the different types of wool in accordance with the general level of reserve prices of wool, and to adjust them as may be necessary from time to time.

4. The International Wool Textile Organization will be invited to nominate representatives to form, with the addition of representatives from major consuming countries not members of the Organization, a Committee to act in a consultative capacity to the board of the Company from the point of view of wool consumers.

III.

FINANCIAL PLAN.

1. The scheme will come into force as soon as it has been agreed by all the Governments concerned, and will take effect as from 1st August, 1945.

2. *Capital Contribution*—

- (a) The United Kingdom and the Dominion concerned will each take up 50 per cent. of the original capital represented by the opening stock of wool grown in that Dominion to be handed over to the Joint Organization.
- (b) The opening stock will be taken in by the Joint Organization at its original cost (including f.o.b. payments) less the amounts accumulated in the divisible profits accounts. Except in the case of South Africa, these amounts are estimated fully to cover depreciation of that stock. (In the case of South Africa, where the estimated depreciation exceeds the accumulated balance, the stock will be taken in at the original cost less an agreed figure representing the full amount of the estimated depreciation). The balances in the divisible profits accounts will be retained by the United Kingdom Government.
- (c) Payment of the Dominions' shares of the original capital will be made in four annual instalments, to which will be applied the Dominions' shares of the proceeds of sales by the Joint Organization, and of the net profit during the interim period referred to in paragraph 6; but subject to a minimum payment in each year of one quarter of the total.
(If a Dominion's share of the proceeds and net profit in any of the first three years exceeds one quarter of its initial capital share plus that Dominion's share of any new capital to be provided in any one year, the excess of proceeds and net profit will be paid to the United Kingdom, and the payment necessary in the fourth year will be correspondingly reduced.)

The payment necessary to reach the minimum in any year will be made at the end of that wool year.

No interest will be charged by the United Kingdom Government on outstanding instalments.

THE SCHEDULE—*continued*

- (d) Each Dominion and the United Kingdom will share equally in the provision of any further capital required by the Joint Organization during the operation of the scheme for payment for bought-in new wool of that Dominion.

3. *Operating Expenses*—

- (a) The operating expenses of the Joint Organization will be borne equally between the industry and the Joint Organization itself. The share of the industry will be paid by the Dominion Governments primarily from the proceeds of a contributory charge on all sales of new clip wool; the share of the Joint Organization will be met by deduction from the proceeds of sales by the Joint Organization before application to capital repayment.
- (b) No charge will be made for interest in the operating expenses of the Joint Organization.
- (c) Operating expenses in any year will include all current expenses, such as costs of administration, storage, reconditioning, insurance and selling expenses. The storage expenses will include an annual sum sufficient to cover over ten years the cost of stores and other capital plant and equipment transferred to the Joint Organization.
- (d) Operating expenses will also include provision to cover depreciation of wool bought-in by the Joint Organization as indicated in this paragraph. This provision will be calculated at a rate to be determined by the Joint Organization on bought-in wool taken into stock each year and will be credited to a Suspense Account. As bought-in wool is sold the Joint Organization will assess the amount of difference between the price realized for it and for new wool of similar type and yield—both to be calculated at time of resale. The amount so assessed will be withdrawn from the Suspense Account and added to the actual proceeds of sale for the purpose of capital repayment.

4. *Repayment of Capital*.—After deduction of one half of the operating costs, the proceeds of all sales by the Joint Organization together with any sums added in accordance with paragraph 3 (d) will be used for repayment of capital equally between the United Kingdom and the Dominion Government concerned.

5. *Ultimate Profit or Loss*.—The ultimate balance of profit or loss arising from the transactions of the Joint Organization in the wool of any Dominion will thus be shared equally between the United Kingdom and the Government of that Dominion.

6. *Procedure in Interim Period*.—During the wool year 1945–46, in place of the procedure indicated in paragraphs 3 and 4 above, the following procedure will apply :

- (a) The United Kingdom will be responsible for the purchase of the whole clip, the management and sale of which will be entrusted to the Joint Organization as soon as constituted. The United Kingdom will be reimbursed by each Dominion for one half of the cost of that part of the new clip of that Dominion unsold at the end of the wool year.
- (b) The net proceeds of the sales of old wool during the interim year, plus (or minus) the net profit (or loss) on sales of new clip wool after meeting the whole operating costs of the Joint Organization and such incidental costs (including interest at $1\frac{1}{2}$ per cent. per annum, on the monthly balance of the working capital provided by United Kingdom) as the United Kingdom may incur in connexion with the purchase of the new clip, will be allocated to capital repayment.
- (c) All sales whether to consumers in the partner countries or elsewhere will be on the basis of the selling prices determined by the Joint Organization.

7. *Taxation*.—Payments will be so adjusted that each Government will receive the sums to which it is entitled under the above scheme irrespective of any tax chargeable by the United Kingdom Government or a Dominion Government on profits arising from the operations of the Joint Organization or its subsidiaries.

8. *Exchange*.—In the event of any change in the exchange rate between sterling and any Dominion currency, the Governments concerned will consult together concerning the effect, if any, which the change has on these financial arrangements.

WOOL (CONTRIBUTORY CHARGE) ASSESSMENT.

No. 50 of 1945.

An Act relating to the Imposition, Assessment and Collection of a Contributory Charge upon certain Wool produced in Australia, and for other purposes.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

Citation. 1. This Act may be cited as the *Wool (Contributory Charge) Assessment Act 1945*.

Commencement. 2. This Act shall come into operation on a date to be fixed by proclamation.

Parts. 3. This Act is divided into Parts, as follows:—

Part I.—Preliminary.

Part II.—Administration.

Part III.—Liability to the Charge.

Part IV.—Appraisement.

Part V.—Returns.

Part VI.—Collection and Recovery of the Charge.

Part VII.—Penal Provisions.

Part VIII.—Prosecutions.

Part IX.—Miscellaneous.

Definitions. 4.—(1.) In this Act, unless the contrary intention appears—

“agent” includes every person who in Australia, for or on behalf of any person out of Australia (in this section called “his principal”), holds or has the management or control of the business of his principal, and every person declared by the Commissioner to be an agent or the sole agent for any person for the purposes of this Act;

- “appraisement place” means a place established or registered under this Act as an appraisement place ;
- “auction” means an auction conducted by a broker in the course of his business ;
- “broker” means any person who carries on business as a wool-selling broker ;
- “certificate as to payment of charge” means a certificate issued by the Commissioner in pursuance of sub-section (1.) of section fifteen of this Act ;
- “certificate of appraisement” means a certificate issued in pursuance of section eighteen of this Act ;
- “certificate of exemption” means a certificate issued by the Commissioner in pursuance of sub-section (2.) of section fifteen of this Act ;
- “company” includes all bodies or associations, corporate or unincorporate, but does not include a partnership ;
- “Deputy Commissioner” means a Deputy Commissioner of Taxation ;
- “exporter”, in relation to wool, means the person who owns the wool immediately prior to export, and, where that person is outside Australia, includes the person in Australia who arranges the shipment of the wool on behalf of that first-mentioned person ;
- “liquidator” means a person who, whether or not appointed as liquidator, is the person required by law to carry out the winding-up of a company ;
- “manufacturer” means a person who subjects wool to a process other than scouring, carbonizing or fellmongering, and “manufacture” and “manufactured” have corresponding meanings ;
- “officer” means an officer of the Commonwealth Public Service ;
- “officer of the Commission” means any person employed by the Commission or performing on behalf of the Commission any duty or function under or for the purposes of this Act or the regulations ;
- “person” includes a company ;
- “ship’s agent” means the owner or charterer, or the representative of the owner or charterer, of an overseas ship ;
- “the charge” means the contributory charge imposed by the *Wool (Contributory Charge) Act 1945* ;
- “the Commission” means the Australian Wool Realization Commission established by the *Wool Realization Act 1945* ;

“ the Commissioner ” means the Commissioner of Taxation ;

“ the Second Commissioner ” means the Second Commissioner of Taxation ;

“ trustee ”, in addition to every person appointed or constituted trustee by act of parties, by order or declaration of a court, or by operation of law, includes—

(a) an executor or administrator, guardian, committee, receiver or liquidator ; and

(b) every person having or taking upon himself the administration or control of wool affected by any express or implied trust, or acting in any fiduciary capacity, or having the possession, control or management of wool beneficially owned by a person under any legal or other disability ;

“ wool ” means sheep’s wool or lamb’s wool, whether greasy or scoured, but does not include manufactured wool (including wool tops), wool noils or wool waste or, except in relation to export, wool on the skin.

(2.) For the purposes of this Act, without limiting the generality of the word “ export ” or the word “ exported ”, wool shall be deemed to be exported when it is placed on board a ship for transport overseas.

PART II.—ADMINISTRATION.

Commissioner
and Second
Commissioner.

5.—(1.) The Commissioner of Taxation shall have the general administration of this Act.

(2.) Subject to this section, the Second Commissioner of Taxation shall have and may exercise all the powers and functions of the Commissioner under this Act.

(3.) Where in this section the exercise of any power or function by the Commissioner, or the operation of any provision of this Act, is dependent upon the opinion, belief or state of mind of the Commissioner in relation to any matter, that power or function may be exercised by the Second Commissioner or that provision may operate (as the case may be) upon the opinion, belief or state of mind of the Second Commissioner in relation to that matter.

(4.) Nothing in this Act shall be deemed to confer upon the Second Commissioner any power or function of the Commissioner under section seven of this Act, or to prevent the exercise of any power or function by the Commissioner under this Act, and the Commissioner shall have, in relation to any act of the Second Commissioner, the same power as if that act were done by himself.

6. The Deputy Commissioners of Taxation shall, subject to the control of the Commissioner, have such powers and functions as are prescribed, or as the Commissioner directs.

Deputy
Commissioners.

7.—(1.) The Commissioner may, in relation to any particular matters or class of matters, or to any particular State or part of the Commonwealth, by writing under his hand, delegate to a Deputy Commissioner or other person all or any of his powers or functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the Deputy Commissioner or person with respect to the matters or class of matters, or the State or part of the Commonwealth, specified in the instrument of delegation.

Delegation
by the
Commissioner

(2.) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power or function by the Commissioner.

(3.) Any delegation under this section may be made subject to a power of review and alteration, within the period specified in the instrument of delegation, by the Commissioner of any act done in pursuance of the delegation, and the decision given upon such review or alteration shall be deemed to be that of the Commissioner.

8. Any reference in this Act to the Commissioner shall be deemed to include—

References to
Commissioners.

(a) in respect of matters as to which the Second Commissioner has exercised any power or function conferred upon him by this Act—a reference to the Second Commissioner; and

(b) in respect of matters as to which a Deputy Commissioner has exercised any power or function conferred upon him by delegation under this Act—a reference to that Deputy Commissioner.

9.—(1.) For the purposes of this section, “officer” means a person who is or has been appointed or employed by the Commonwealth or by a State, and who by reason of that appointment or employment, or in the course of that employment, may acquire or has acquired information respecting the affairs of any other person, disclosed or obtained under the provisions of this Act.

Officers to
observe
secrecy

(2.) Subject to this section, an officer shall not either directly or indirectly, except in the performance of any duty as an officer, and either while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any such information so acquired by him.

(3.) An officer shall not be required to produce in Court any return, assessment or notice of assessment made or given for the purposes of this Act, or to divulge or communicate to any Court

any matter or thing coming under his notice in the performance of his duties as an officer, except when it is necessary to do so for the purpose of carrying into effect the provisions of this Act.

(4.) Nothing in this section shall be deemed to prohibit the Commissioner, Second Commissioner, or a Deputy Commissioner, or any person thereto authorized by him, from communicating any information to—

- (a) the Commission or any member or officer of the Commission ;
- (b) any person performing, in pursuance of any appointment or employment by the Commonwealth or by a State, any duty arising under any Act administered by the Commissioner of Taxation or the Commissioner of Land Tax, for the purpose of enabling that person to carry out any such duty ;
- (c) any board exercising any function under any Act administered by the Commissioner of Taxation or the Commissioner of Land Tax or under any State Act administered by the Commissioner of Income Tax of any State, or any member of any such board ;
- (d) the Commissioner of Income Tax for any State, or the authority administering any Act of a State relating to Stamp Duties or Succession Duties if that authority is authorized by law to afford similar information to the Commissioner, the Second Commissioner or a Deputy Commissioner ;
- (e) the Commissioner of Pensions or the Repatriation Commission for the purpose of the administration of any law of the Commonwealth relating to pensions ;
- (f) the Commissioner for Maternity Allowances for the purpose of any law relating to maternity allowances ;
- (g) the Director-General of Health for the purpose of the administration of any law of the Australian Capital Territory or of the Northern Territory which is administered by the Minister of State for Health ;
- (h) the Commonwealth Prices Commissioner ; or
- (i) the Secretary, Department of Defence, the Secretary, Department of the Navy, the Secretary, Department of the Army, or the Secretary, Department of Air, for the purpose of the administration of any law of the Commonwealth relating to payments in respect of dependants of members of the Defence Force.

(5.) Any person to whom information is communicated under the last preceding sub-section, and any person or employee under his control shall, in respect of that information, be subject to the same rights, privileges, obligations and liabilities, under sub-sections (2.) and (3.) of this section, as if he were an officer.

(6.) For the purposes of sub-sections (2.) and (5.) of this section, an officer or person shall be deemed to have communicated such information to another person in contravention of those sub-sections if he communicates that information to any Minister.

(7.) Any officer shall, if and when required by the Commissioner, Second Commissioner or a Deputy Commissioner to do so, make an oath or declaration, in the manner and form prescribed, to maintain secrecy in conformity with the provisions of this section.

Penalty: Two hundred and fifty pounds or imprisonment for twelve months.

PART III.—LIABILITY TO THE CHARGE.

10.—(1.) Subject to and in accordance with the provisions of this Act, a contributory charge, at the rate of the percentage of the sale value fixed by or under the *Wool (Contributory Charge) Act 1945* shall be levied and paid on all wool—

Contributory charge.

(a) produced in Australia; and

(b) on or after a date to be fixed by proclamation—

(i) sold by a broker at auction or otherwise;

(ii) purchased by a manufacturer;

(iii) subjected by a manufacturer (whether or not he is the producer or owner of the wool) to a process of manufacture; or

(iv) exported from Australia.

(2.) Wool sold by the Commission (whether or not it has previously been liable to the charge) shall not, upon or after that sale, be liable to the charge.

11.—(1.) For the purposes of this Act, the sale value of any wool shall be an amount equal to—

Sale value.

(a) in the case of wool sold by a broker at auction or otherwise—the price for which the wool is sold;

(b) in the case of wool purchased by a manufacturer otherwise than from a broker—

(i) where the contract of sale provides an inclusive price for the purchase of the wool and its delivery to premises at which the purchaser carries on manufacture—that price; or

(ii) in any other case—the sum of the price for which the wool is purchased and the amount which it would cost to transport the wool from the place where the wool is at the time of the purchase to premises at which the purchaser carries on manufacture;

- (c) in the case of wool (not being wool purchased by the manufacturer) subjected by a manufacturer to a process of manufacture—the amount stated in the certificate of appraisement of the wool as the value of the wool at the date of appraisement, or where the wool has not been appraised—
 - (i) if the processing of the wool without appraisement was in pursuance of an arrangement with the Commissioner—an amount arrived at in accordance with the terms of the arrangement; or
 - (ii) in any other case—the amount which the Commissioner considers was the value of the wool at the date of the processing; and
- (d) in the case of wool exported from Australia—the amount stated in the certificate of appraisement of the wool as the value of the wool at the date of appraisement, or where the wool has not been appraised—
 - (i) if the export of the wool without appraisement was in pursuance of an arrangement with the Commissioner—an amount arrived at in accordance with the terms of the arrangement; or
 - (ii) in any other case—the amount which the Commissioner considers was the value of the wool at the date of export.

(2.) Where the Commissioner is not satisfied that the price paid or payable for any wool (otherwise than at auction) is fair and reasonable, he may determine the amount which, in his opinion, is a fair and reasonable price for the sale, and the amount so determined shall, for the purposes of this Act, be deemed to be the price for which the wool was purchased.

Person liable.

12. Subject to the next succeeding section, the charge shall be paid—

- (a) in the case of wool to which sub-paragraph (i) of paragraph (b) of sub-section (1.) of section ten of this Act applies—by the person on whose behalf the wool is sold;
- (b) in the case of wool to which sub-paragraph (ii) of that paragraph applies—by the person from whom the manufacturer purchased the wool;
- (c) in the case of wool to which sub-paragraph (iii) of that paragraph applies—by the owner of the wool at the time of the processing; and
- (d) in the case of wool to which sub-paragraph (iv) of that paragraph applies—by the exporter of the wool.

13. Where—

- (a) a broker, on behalf of another person, sells wool at auction or otherwise :

Liability
of broker or
manufacturer.

- (b) a manufacturer purchases wool from another person or subjects wool belonging to another person to any process of manufacture,

the broker or manufacturer, as the case may be, shall be liable to pay, and shall pay, to the Commissioner, the charge (if any) on that wool, and may—

- (a) recover from that other person the charge in respect of that wool; or
- (b) for the purpose of payment of the charge, retain so much of any amount which is or may become payable to any person in respect of that wool as is equivalent to the amount of that charge,

but not including, in either case, any additional charge payable in pursuance of this Act.

14.—(1.) Notwithstanding anything contained in the *Wool Tax Act* 1936–1945, tax shall not be payable under that Act where the tax would otherwise become payable at any time at which Regulations prescribing a percentage of the charge are in operation under the *Wool (Contributory Charge) Act* 1945. Suspension of wool tax.

(2.) Where the person liable to pay the charge in respect of any wool establishes to the satisfaction of the Commissioner that tax has been paid by any person in respect of that wool under the *Wool Tax Act* 1936, or under that Act as amended, the charge otherwise payable in respect of that wool shall be reduced by the amount of the tax so paid.

(3.) Any reference in section fifteen or sixteen of the *Wool Use Promotion Act* 1945 to an amount or moneys received by the Commissioner of Taxation under the *Wool Tax Act* 1936–1945 shall, in relation to any financial year during which charge is levied, be read as including a reference to the amount which, in the opinion of the Treasurer, is the amount which, but for the operation of sub-section (1.) of this section, would have become payable in that financial year under the *Wool Tax Act* 1936–1945.

15.—(1.) Where the charge has been paid in respect of any wool or arrangements have been made to the satisfaction of the Commissioner for payment of the charge payable in respect of any wool, the Commissioner may issue a certificate stating that that payment has, or that those arrangements have, been so made. Certificate as to payment of charge.

(2.) Where any wool is not liable to the charge, the Commissioner may issue a certificate of exemption in respect of that wool.

(3.) Where it appears to the Commissioner that a certificate issued under this section should not have been issued, he may, by notice in writing, require the person in possession of the certificate to deliver up the certificate to him and that person shall forthwith deliver up the certificate accordingly.

Penalty : Fifty pounds.

(4.) Where a notice is given under the last preceding sub-section in respect of any certificate, the charge shall, subject to the effect of any other certificate, become payable as if that first-mentioned certificate had never been issued :

Provided that this sub-section shall not prejudicially affect any person who has acted *bona fide* in reliance on the certificate.

(5.) Notwithstanding anything contained in any other section of this Act, the charge shall not be payable by any person on any wool in respect of which he is in possession of a certificate under this section or in respect of which the Commissioner is otherwise satisfied that the charge has been paid or that arrangements have been made to his satisfaction for payment of the charge :

Provided that this sub-section shall not affect the liability of any person to pay the charge for the payment of which he has made arrangements with the Commissioner.

(6.) A certificate under this section shall not be liable to stamp duty under the law of any State or Territory of the Commonwealth.

PART IV.—APPRAISEMENT.

Appraisement
places.

16.—(1.) The Commission may, for the purposes of this Act, establish appraisement places or, on the application of a person carrying on business at any premises, register those premises as an appraisement place.

(2.) The Commission may, by notice in writing to the person carrying on business at any appraisement place, cancel the registration of those premises as an appraisement place.

Wool not to be
manufactured
or exported
unless
appraised.

17. Except in pursuance of an arrangement with the Commissioner, a person shall not subject any wool, other than wool purchased by him, to any process or treatment of manufacture, or export any wool, unless—

(a) the wool has first been submitted at an appraisement place or, with the approval of the Commission, at any other place, for appraisement by or on behalf of the Commission, and has been so appraised ; or

(b) he is in possession of a certificate issued in respect of the wool under section fifteen of this Act.

Penalty : Two hundred pounds.

Appraisement.

18.—(1.) The Commission shall cause all wool submitted for appraisement in accordance with this Act to be appraised as soon as practicable, and shall cause to be issued to the person submitting the wool a certificate of appraisement in accordance with the prescribed form.

(2.) For the purposes of this Act the Commission may—

(a) cause any wool, although not submitted for appraisement, to be appraised and cause to be issued a certificate of appraisement in accordance with the prescribed form ; or

(b) cause an estimate to be made of the weight of any wool which has not been removed from the skin, and cause to be issued a certificate of the weight of any such wool.

(3.) A certificate under this section may be signed by the Chairman or the Executive Member of the Commission or any officer of the Commission thereunto authorized by the Chairman.

(4.) The Chairman or the Executive Member of the Commission may, at any time, either of his own motion or on the application of any person, cancel or vary any certificate under this section, and issue a fresh certificate in the place of any certificate so cancelled.

PART V.—RETURNS.

19. Every broker who sells any wool shall, within the prescribed time, furnish to the Commissioner, in accordance with the prescribed form, a return of that wool, together with such particulars as are specified in the form.

Returns by
brokers.

20. Every manufacturer who—

(a) purchases any wool; or

(b) subjects any wool to any process or treatment of manufacture, shall, unless he is in possession of a certificate as to payment of the charge or a certificate of exemption in respect of the wool, furnish to the Commissioner, within the prescribed time and in accordance with the prescribed form, a return of that wool, together with such particulars as are specified in the form, and together with any relevant certificates of appraisement.

Returns by
manufacturers.

21. In addition to any return which is required under this Part, the Commissioner may, by notice in writing, call upon any person to furnish to him, within a time specified in the notice, such return, or such further or fuller return, as the Commissioner requires.

Further
returns

22.—(1.) For the purpose of inquiring into or ascertaining the liability of any person under any of the provisions of this Act, the Commissioner may, by notice in writing, require any person—

(a) to furnish him with such information as he requires; or

(b) to attend and give evidence before him or before any officer, or member or officer of the Commission, authorized by him in that behalf,

and may require him to produce all books, documents and other papers whatsoever in his custody or under his control relating thereto.

(2.) The Commissioner may require the information or evidence to be given on oath, and either orally or in writing, and for that purpose he or the person so authorized by him may administer an oath.

(3.) The regulations may prescribe scales of expenses to be allowed to persons required under this section to attend.

Commissioner
to obtain
information
and evidence.

23. Any return purporting to be made and signed by or on behalf of any person shall, until the contrary is proved, be deemed to have been made and signed by him or with his authority.

Returns
deemed to
be made.

PART VI.—COLLECTION AND RECOVERY OF THE CHARGE.

Due date.

24. Subject to this Act, the charge shall be due and payable—

- (a) in the case of wool other than wool exported—on the day on which the return under section nineteen or twenty of this Act in respect of the wool is furnished to the Commissioner, or, if the return is not duly furnished, on the last day for the due furnishing of the return; and
- (b) in the case of wool exported—on the day of export or, where the wool is exported without appraisement in pursuance of an arrangement with the Commissioner, on a date ascertained in accordance with the arrangement.

Time to pay—
extensions and
instalments.**25.** The Commissioner may, in such cases as he thinks fit—

- (a) extend the time for payment of the charge as he considers the circumstances warrant; or
- (b) permit the payment of the charge to be made by instalments within such time as he considers the circumstances warrant.

Penal charge.

26. If the charge is not paid on or before the date on which it becomes due and payable, or within such further time as may be allowed by the Commissioner under the last preceding section, an additional charge shall be payable at the rate of ten per centum per annum upon the amount of the charge unpaid, to be computed from the date on which the charge became due and payable, or, where further time has been allowed by the Commissioner under the last preceding section, from the expiration of that further time:

Provided that the Commissioner may, in any particular case, for reasons which in his discretion he thinks sufficient, remit the additional charge imposed or any part thereof.

Assessment of
charge
or further
charge.

27.—(1.) Where in any case the Commissioner is of the opinion that any charge or further charge is payable by any person, the Commissioner may assess the amount of the charge which, in his opinion, should be or should have been paid.

(2.) Where—

- (a) any person makes default in furnishing any return or submitting any wool for appraisement; or
- (b) the Commissioner is not satisfied with the return furnished by any person; or
- (c) the Commissioner has reason to believe or suspect that any person has avoided payment of any charge,

the Commissioner may cause an assessment to be made of the amount of the charge which, in his judgment, ought to be levied, and that person shall be liable to the charge accordingly, excepting so far as he establishes that the assessment is excessive.

(3.) Any person who becomes liable to pay any charge by virtue of an assessment made under the last preceding sub-section shall also be liable to pay, by way of an additional charge, double the amount of that charge or the amount of One pound whichever is the greater:

Provided that the Commissioner may, in any particular case, for reasons which he thinks sufficient, remit the additional charge or any part thereof.

(4.) As soon as conveniently may be after an assessment is made under this section, the Commissioner shall cause notice in writing of the assessment and the charge or further charge payable in accordance with the assessment to be given to the person liable to pay the charge or further charge.

(5.) The amount of the charge or further charge specified in the notice shall be due and payable on or before the date specified in the notice, together with any other amount which is payable in accordance with any other provision of this Act.

(6.) The omission to give any such notice shall not invalidate the assessment made by the Commissioner.

28.—(1.) Any charge or additional charge shall be deemed, when it becomes due and payable, to be a debt due to the King on behalf of the Commonwealth and payable to the Commissioner in the manner and at the place prescribed.

Commissioner
may sue for
charge.

(2.) Any charge unpaid, including additional charge, may be sued for and recovered in any court of competent jurisdiction by the Commissioner or a Deputy Commissioner suing in his official name.

29.—(1.) Where the Commissioner finds in any case that any charge has been overpaid, he shall refund the amount of the charge found to be overpaid :

Refunds of
charge.

Provided that a refund shall not be made of any amount of charge unless the Commissioner is satisfied that the person claiming the refund has not recouped himself to the extent of that amount by deduction from the proceeds of wool sold on behalf of some other person or otherwise or, if he has so recouped himself, that he has since repaid the amount to the person from whom he recouped himself.

(2.) A refund under the last preceding sub-section shall not be made to any person unless he furnishes to the Commissioner such return or other information, certified in such manner as the Commissioner requires, as will enable the Commissioner to determine the amount of the charge which has been overpaid and which should be refunded.

30. A ship's agent shall not accept delivery of any wool for shipment overseas except in accordance with the regulations.

Ship's agents.

Penalty : One hundred pounds.

31.—(1.) When the Commissioner has reason to believe that a person liable to any charge or further charge may leave Australia before the charge or further charge becomes due and payable by him the charge or further charge shall be due and payable on such date as the Commissioner fixes and notifies to that person.

Persons
leaving
Australia
to obtain
certificate.

(2.) Upon the application of any person about to leave Australia, the Commissioner, Second Commissioner or a Deputy Commissioner may, if he is satisfied—

(a) that that person is not liable to pay any charge ;

(b) that arrangements have been made to the satisfaction of the Commissioner for the payment of any charge that is or may become payable by that person ; or

(c) that the charge payable by that person is irrecoverable, issue a certificate that, for the purposes of the Act, there is no objection to the departure of that person from Australia.

Authority to
travel not
to issue
without
certificate

32.—(1.) Unless and until such certificate is presented to the office of the owner or charterer, or of the representative of the owner or charterer, of the ship or aircraft by which that person intends to leave Australia at the port or place at which his passage is booked, an authority for that person to travel by that ship or aircraft shall not be issued by the owner or charterer or a representative or employee of the owner or charterer.

(2.) Any person who, in contravention of this section, issues an authority to any person to travel by the ship or aircraft shall be personally liable to pay the amount of the charge, if any, which is or may become due and payable by such person, and shall be guilty of an offence.

Penalty : Not less than Fifty pounds or more than Two hundred pounds.

Certificate
and list of
passengers to
be lodged

33.—(1.) The owner or charterer, or the representative of the owner or charterer, of every ship or aircraft which takes passengers on board at any port or place shall, on the first working day after the departure of the ship or aircraft from that port or place, lodge all certificates so presented at the office of the Deputy Commissioner of Taxation for the State in which that port or place is situated, together with a list showing the name and last-known address in Australia of every person (other than members of the crew and staff of the ship or aircraft) who travelled on the ship or aircraft.

(2.) Every owner or charterer, or representative of an owner or charterer, who fails to comply with this section shall be guilty of an offence.

Penalty : Not less than Ten pounds or more than One hundred pounds.

Substituted
service.

34. If, in any proceedings against a person for the recovery of any charge or additional charge, the defendant—

(a) is absent from Australia and has not to the knowledge of the Commissioner after reasonable inquiry in that behalf any attorney or agent in Australia on whom service of process can be effected ; or

(b) cannot after reasonable inquiry be found, service of any process in the proceedings may, without leave of the Court, be effected on him by posting the same or a sealed copy thereof in a letter addressed to him at his last known place of business or abode in Australia.

35.—(1.) Every person who is liquidator of any company which is being wound-up, and which is, or has been, required to furnish returns under section nineteen or twenty of this Act, shall, within fourteen days after he has become liquidator of that company, give notice in writing to the Commissioner of his appointment as liquidator. Liquidator
to give notice.

(2.) The Commissioner shall, as soon as practicable thereafter, notify to the liquidator the amount which appears to the Commissioner to be sufficient to provide for any charge which then is or will thereafter become payable by the company.

(3.) The liquidator—

- (a) shall not without leave of the Commissioner part with any of the assets of the company until he has been so notified ;
- (b) shall set aside, out of the assets available for the payment of the charge, assets to the value of the amount so notified, or the whole of the assets so available if they are of less than that value ; and
- (c) shall, to the extent of the value of the assets which he is so required to set aside, be liable as trustee to pay the charge.

(4.) If the liquidator fails to comply with any provision of this section (or fails as trustee duly to pay the charge for which he is liable under the last preceding sub-section), he shall, to the extent of the value of the assets of which he has taken possession and which are, or were at any time, available to him for the payment of the charge, be personally liable to pay the charge, and shall be guilty of an offence.

Penalty : Not less than One pound or more than Fifty pounds.

(5.) Where more persons than one are appointed liquidators or required by law to carry out the winding-up, the obligations and liabilities attaching to a liquidator under this section shall attach to each of such persons :

Provided that where any one of such persons has paid the charge due in respect of the company being wound-up the other person or persons shall be liable to pay that person each his equal share of the amount of the charge so paid.

(6.) Notwithstanding anything contained in this section, all costs, charges and expenses which, in the opinion of the Commissioner, have been properly incurred by the liquidator in the winding-up of a company, including the remuneration of the liquidator, may be paid out of the assets of the company in priority to any charge payable in respect of the company.

(7.) Nothing in this section shall limit the liability of a liquidator under section sixty-nine of this Act in respect of any transactions, acts or operations effected or done by him as liquidator in respect of any wool.

Agent for
absentee
principal
winding up
business

36.—(1.) Where an agent for an absentee principal has been required by the principal to wind-up the business of his principal he shall, before taking any steps to wind-up the business, notify the Commissioner of his intention so to do, and shall set aside such sum out of the assets of the principal as appears to the Commissioner to be sufficient to provide for any charge that becomes payable.

(2.) An agent who fails to give notice to the Commissioner or fails to provide for payment of the charge as required by this section shall be personally liable for any charge that becomes payable in respect of the business of the principal.

When charge
not paid during
lifetime

37. The following provisions shall apply in any case where, whether intentionally or not, a person escapes full payment of the charge in his lifetime by reason of not having duly made full, complete and accurate returns :—

- (a) The Commissioner shall have the same powers and remedies against the trustees of the estate of that person in respect of the liability to which that person was subject as he would have against that person if he were still living.
- (b) The trustees shall make such returns as the Commissioner requires for the purpose of an accurate assessment.
- (c) The trustees shall be subject to an additional charge to the same extent as the deceased person would be subject to an additional charge if he were still living :

Provided that the Commissioner may in any particular case, for reasons which he thinks sufficient, remit the additional charge or any part thereof.

- (d) The amount of any charge payable by the trustees shall be a first charge on all the deceased person's estate in their hands.

Provision
for payment
of charge by
executors or
administrators.

38.—(1.) Where, at the time of a person's death, he had not paid the whole of the charge payable up to the date of his death, the Commissioner shall have the same powers and remedies for the assessment and recovery of the charge from the trustees of that person's estate as he would have had against that person, if that person were alive.

(2.) The trustees shall furnish such of the returns mentioned in Part V. of this Act as have not been made by the deceased person.

(3.) Where the trustees are unable or fail to furnish a return, the Commissioner may estimate and make an assessment of the amount of the charge which, in his judgment, ought to be paid.

(4.) Where, in respect of the estate of any deceased person, probate has not been granted or letters of administration have not been taken out within six months after his death, the Commissioner may cause an assessment to be made of the amount of the charge due by the deceased.

(5.) The Commissioner shall cause notice of the assessment to be published twice in a daily newspaper circulating in the State or Territory of the Commonwealth in which the deceased person resided.

(6.) Subject to any amendment of the assessment by the Commissioner the assessment so made shall be *prima facie* evidence of the indebtedness of the deceased to the Commissioner.

(7.) The Commissioner may issue an order in the prescribed form authorizing any member of the police force of the Commonwealth or of a State or of a Territory of the Commonwealth or any other person named therein to levy the amount of the charge due by the deceased with costs by distress and sale of any property of the deceased.

(8.) Upon the issue of any such order the member or person so authorized shall have power to levy that amount accordingly in the prescribed manner.

39. Every person who, under the provisions of this Act, pays any charge for or on behalf of any other person shall be entitled to recover the amount so paid from that other person as a debt, together with the costs of recovery, or to retain or deduct that amount out of any money in his hands belonging or payable to that other person.

Recovery of charge paid on behalf of another person.

40. Where two or more persons are jointly liable to any charge they shall each be liable for the whole charge, but any of them who has paid the charge may recover contributions as follows :—

Contributions from persons jointly liable.

- (a) A person who has paid the charge in respect of any wool may recover by way of contribution from any other person jointly liable to that charge a sum which bears the same proportion to the charge as the interest which that other person had in that wool, or in any profits in connexion with that wool, bears to the total interests therein of the persons jointly liable to the charge ;
- (b) Every person entitled to contribution under this section may sue therefor in any court of competent jurisdiction as money paid to the use of the person liable to contribute at his request ; or may retain or deduct the amount of the contribution out of any moneys in his hands belonging or payable to the person liable to contribute.

41.—(1.) The Commissioner may, by notice in writing (a copy of which shall be forwarded to the person liable to the charge to the last place of address known to the Commissioner), require—

Commissioner may collect charge from person owing money to person liable to charge.

- (a) any person by whom any money is due or accruing or may become due to a person liable to the charge ;
- (b) any person who holds or may subsequently hold money for or on account of a person liable to the charge ;
- (c) any person who holds or may subsequently hold money on account of some other person for payment to a person liable to the charge ; or
- (d) any person having authority from some other person to pay money to a person liable to the charge,

to pay to him, forthwith upon the money becoming due or being held or within such further time as the Commissioner, Second Commissioner, or Deputy Commissioner allows, the money or so much thereof as is sufficient to pay the charge due by the person liable to the charge.

(2.) Any person who fails to comply with any notice under this section shall be guilty of an offence.

Penalty : Fifty pounds.

(3.) Where the amount payable by the person to the person liable to the charge is less than the amount of the charge due, the person shall pay to the Commissioner in reduction of the amount of the charge due the amount payable by that person to the person liable to the charge.

(4.) Any person making any payment in pursuance of this section shall be deemed to have been acting under the authority of the person liable to the charge and of all other persons concerned and is hereby indemnified in respect of such payment.

(5.) If the charge due by the person liable to the charge, or the fine and costs (if any) imposed by a court on him, are paid before any payment is made under a notice given in pursuance of this section, the Commissioner shall forthwith give notice to the person of the payment.

(6.) In this section—

“charge” includes any additional charge payable under this Act, any judgment debt or costs in respect of any charge, and any fine or costs imposed by a court in respect of an offence against this Act or the regulations;

“person” includes company, partnership, Commonwealth or State officer, and any public authority (corporate or unincorporate) of the Commonwealth or a State.

Evidence.

42.—(1.) The production of any document or a copy of a document under the hand of the Commissioner, Second Commissioner or a Deputy Commissioner purporting to be a notice or a copy of a notice specifying any liability of a person under this Act shall be conclusive evidence of the due exercise of any act required by this Act to be done or performed by the Commissioner, Second Commissioner, or a Deputy Commissioner or other person or authority for the purpose of ascertaining the liability so specified and shall be *prima facie* evidence of the correctness of any calculations upon which that liability is ascertained.

(2.) The production of any document under the hand of the Commissioner, Second Commissioner or a Deputy Commissioner purporting to be a copy of or extract from any document or return furnished to or of any document issued by the Commissioner shall for all purposes be sufficient evidence of the matter therein set forth, without producing the original.

PART VII.—PENAL PROVISIONS.

43.—(1.) Any person who—

Offences

- (a) fails or neglects duly to furnish any return or information, or to comply with any requirement of the Commissioner, as and when required by this Act or the regulations or by the Commissioner; or
- (b) without just cause shown by him, refuses or neglects duly to attend and give evidence when required by the Commissioner or any person duly authorized by him, or truly and fully to answer any questions put to him, or to produce any book or papers required of him, by the Commissioner or any such officer; or
- (c) makes or delivers a return which is false in any particular or makes any false answer, whether orally or in writing, to any question duly put to him by the Commissioner or any person duly authorized by him,

shall be guilty of an offence.

Penalty: Not less than Two pounds or more than One hundred and fifty pounds.

(2.) Upon the conviction of any person for an offence against this section, the Court may order him, within a time specified in the order, to do the act which he had failed or refused or neglected to do, and any person who does not duly comply with such order shall be guilty of an offence.

Penalty: Not less than Ten pounds or more than Two hundred pounds.

(3.) An order under this section may be made orally by the Court to the defendant or may be served in the manner prescribed.

(4.) In any prosecution for an offence against paragraph (c) of sub-section (1.) of this section of a person who has not previously been convicted of an offence against this Act, it shall be a defence if the defendant proves that the false particulars were given or the false statement was made through ignorance or inadvertence.

44.—(1.) Notwithstanding anything contained in this Act, any person who—

Additional charge in certain cases.

- (a) fails or neglects duly to furnish any return or information as and when required by this Act or the regulations or by the Commissioner; or
- (b) fails to include any required particulars in any return, or includes particulars of wool subject to charge in a column of the return provided for particulars of wool in respect of which charge is not payable,

shall, if a person to whom paragraph (a) of this sub-section applies, be liable to pay an additional charge at the rate of ten per centum per annum upon the amount of the charge which he is liable to pay (such percentage to be calculated for the period commencing on the last day allowed for furnishing the return or information and ending on the day upon which the return or information is furnished or the day upon which an assessment of the charge is made, whichever first

happens), or the sum of One pound, whichever is the greater, or, if a person to whom paragraph (b) of this sub-section applies, be liable to pay by way of an additional charge the amount of One pound or double the amount of the difference between the charge properly payable and the amount of the charge payable on the basis of the particulars set out in the return furnished by him, whichever is the greater, in addition to any additional charge which may become payable by him in accordance with section twenty-six of this Act :

Provided that the Commissioner may, in any particular case for reasons which he thinks sufficient, remit the additional charge or any part thereof.

(2.) If the Commissioner considers that the circumstances of any case warrant action being taken to recover the penalty provided by the last preceding section, such action may be taken by the Commissioner, and, in that case, the additional charge payable under this section shall not be charged.

False
declaration.

45. If any person, in any declaration made under, or authorized or prescribed by, this Act or the regulations, knowingly or wilfully declares to any matter or thing which is false or untrue, he shall be deemed to be guilty of wilful and corrupt perjury and shall upon conviction be liable to imprisonment for a period not exceeding four years.

Understatement
of sale value
of any wool

46. Any person who, with intention to defraud, in any return understates the amount of, or any amount relevant in ascertaining, the sale value of any wool shall be guilty of an offence.

Penalty : Not less than Fifty pounds and the amount of the charge which would have been avoided if the amount stated in the return had been accepted as the correct amount, or more than Five hundred pounds and treble the amount of the charge which would have been so avoided.

Avoiding
charge.

47. Any person who, by any wilful act, default or neglect, or by any fraud, art or contrivance whatever, avoids or attempts to avoid the charge under this Act, shall be guilty of an offence.

Penalty : Not less than Fifty pounds and the amount of the charge avoided or attempted to be avoided, or more than Five hundred pounds and treble the amount of the charge avoided or attempted to be avoided.

Offences
relating to
certificates.

48.—(1.) A person shall not—

- (a) forge or utter, knowing the same to be forged, any certificate ;
- (b) without lawful authority, alter any certificate ,
- (c) represent that any certificate relates to wool other than wool in relation to which the certificate was issued ; or
- (d) with intent to evade payment of the charge, alter any mark or brand on any wool, or any container of wool.

(2.) The punishment for an offence against the last preceding sub-section shall be—

- (a) if the offence is prosecuted summarily—a fine not exceeding One hundred pounds; and
- (b) if the offence is prosecuted on indictment—a fine not exceeding One hundred pounds or imprisonment for not more than twelve months.

(3.) In this section, “certificate” means a certificate as to payment of charge, a certificate of exemption or a certificate of appraisalment.

49. Any person who obstructs or hinders any person acting in the discharge of his duty under this Act or the regulations shall be guilty of an offence. Obstructing officers

Penalty. Not less than One pound or more than Fifty pounds.

50.—(1.) A prosecution in respect of any offence against either of the last three preceding sections may be commenced at any time within three years after the commission of the offence. Time for commencing prosecutions.

(2.) A prosecution in respect of any offence against paragraph (a) or (c) of sub-section (1.) of section forty-three of this Act may be commenced at any time.

51. Payment of penalties under this Act shall not relieve any person from liability to assessment or payment of any charge or additional charge. Penalties not to relieve from charge.

PART VIII.—PROSECUTIONS.

52. Proceedings by the Crown for the recovery of penalties under this Act or the regulations are hereinafter referred to as “prosecutions”. Prosecutions.

53. Prosecutions may be instituted in the name of the Commissioner by action, information or other appropriate proceeding— How instituted.

- (a) in the High Court of Australia; or
- (b) in the Supreme Court of any State,

and when the prosecution is for a pecuniary penalty not exceeding Five hundred pounds or the excess is abandoned, the prosecution may be instituted in the name of the Commissioner or a Deputy Commissioner—

- (c) in a County Court, District Court, Local Court or Court of Summary Jurisdiction.

54. Any of the following offences, namely:—

- (a) failure duly to furnish any return or information;
- (b) making or delivering a return which is false in any particular, or making a false answer; or
- (c) failure to comply with any requirement.

Place where offence committed.

shall be deemed to have been committed either—

(d) at the place where the return or information was furnished, or should, in accordance with this Act, the regulations or a requirement of the Commissioner, have been furnished, or where the answer was made, or where the requirement should have been complied with; or

(e) at the usual or last known place of business or abode of the defendant,

and may be charged as having been committed at either of those places.

Evidence of
authority to
institute
proceeding.

55.—(1.) Where any prosecution has been instituted by an officer in the name of the Commissioner or a Deputy Commissioner the prosecution shall, in the absence of evidence to the contrary, be deemed to have been instituted by the authority of the Commissioner or the Deputy Commissioner, as the case may be.

(2.) The production of a telegram purporting to have been sent by the Commissioner or a Deputy Commissioner and purporting to authorize an officer to institute any prosecution or proceedings shall be admissible as evidence in the prosecution or proceedings, and shall be accepted as evidence of the authority of the officer to institute the prosecution or proceedings in the name of the Commissioner or Deputy Commissioner, as the case may be.

Defendant to
have right of
trial in High
or State Court.

56. In any prosecution where the penalty exceeds One hundred pounds and the excess is not abandoned, the defendant within seven days after service of process shall have the right in manner prescribed to elect to have the case tried in the option of the prosecutor either in the High Court of Australia or in the Supreme Court of the State in which the prosecution has been instituted and thereupon the proceedings shall stand removed accordingly and may be conducted as if originally instituted in the Court to which they are so removed.

Prosecution
in accordance
with Practice
Rules.

57. Every prosecution in the High Court of Australia or the Supreme Court of any State may be commenced, prosecuted and proceeded with in accordance with any rules of practice established by the Court for Crown suits in revenue matters or in accordance with the usual practice and procedure of the Court in civil cases or in accordance with the directions of the Court or a Judge.

State Court
practice.

58. Subject to this Act the provisions of the law relating to summary proceedings before Justices in force in the State where the proceedings are instituted shall apply to all prosecutions before a Court of Summary Jurisdiction in that State and an appeal shall lie from any conviction or order of dismissal to the Court, and in the manner, provided by the law of the State where such a conviction or order is made for appeals from convictions or orders of dismissal.

Information,
&c., to be
valid if in
words of Act
or regulations.

59. All informations, summonses, convictions and warrants shall suffice if the offence is set forth as nearly as may be in the words of this Act or the regulations.

60.—(1.) An objection shall not be taken or allowed to any information or summons for any alleged defect therein in substance or in form or for any variance between the information or summons and the evidence adduced at the hearing in support thereof, and the Court shall at all times make any amendment necessary to determine the real question in dispute or which may appear desirable.

No objection
for informality.

(2.) If any such defect or variance appears to the Court to be such that the defendant has been thereby deceived or misled, it shall be lawful for the Court, upon such terms as it thinks just, to adjourn the hearing of the case to some future day.

61. A conviction, warrant of commitment or other proceeding, matter or thing done or transacted in relation to the execution or carrying out of this Act shall not be held void, quashed or set aside by reason of any defect therein or want of form, and no party shall be entitled to be discharged out of custody on account of such defect.

Conviction
not to be
quashed.

62. A witness on behalf of the Commissioner or a Deputy Commissioner in any prosecution shall not be compelled to disclose the fact that he received any information or the nature thereof or the name of the person who gave such information and an officer appearing as a witness shall not be compelled to produce any reports made or received by him confidentially in his official capacity or containing confidential information.

Protection to
witnesses.

63.—(1.) In any prosecution the averment of the prosecutor or plaintiff contained in the information, complaint, declaration or claim shall be *prima facie* evidence of the matter or matters averred.

Averment of
prosecutor
sufficient.

(2.) This section shall apply to any matter so averred although—

- (a) evidence in support or rebuttal of the matter averred or of any other matter is given by witnesses; or
- (b) the matter averred is a mixed question of law and fact, but in that case the averment shall be *prima facie* evidence of the fact only.

(3.) Any evidence given by witnesses in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased nor diminished by reason of this section.

(4.) The foregoing provisions of this section shall not apply to—

- (a) an averment of the intent of the defendant; or
- (b) proceedings for an indictable offence or an offence directly punishable by imprisonment.

(5.) This section shall not lessen or affect any onus of proof otherwise falling on the defendant.

64. No minimum penalty provided by this Act shall be liable to reduction under any power of mitigation which would but for this section be possessed by the Court.

Minimum
penalties.

Treatment of
convicted
offenders

65. Where any pecuniary penalty is adjudged to be paid by any convicted person, the Court—

- (a) may commit the offender to gaol until the penalty is paid ; or
- (b) may release the offender upon his giving security for the payment of the penalty ; or
- (c) may exercise for the enforcement and recovery of the penalty any power of distress or execution possessed by the Court for the enforcement and recovery of penalties in any other case.

Release of
offenders

66. The gaoler of any gaol to which any person has been committed for non-payment of any penalty shall discharge such person—

- (a) on payment to him of the penalty adjudged ;
- (b) on a certificate by the Commissioner or the Deputy Commissioner that the penalty has been paid or released ; or
- (c) if the penalty adjudged to be paid is not paid or released, according to the following table :—

Amount of Penalty	Period after commencement of imprisonment on the expiration of which defendant is to be discharged
£2 and under	7 days
Over £2 and not more than £5	14 days
Over £5 and not more than £20	1 month
Over £20 and not more than £50	2 months
Over £50 and not more than £100	3 months
Over £100 and not more than £200	6 months
Over £200	1 year

Parties may
recover costs

67. In all prosecutions the Court may award costs against any party and all provisions of this Act relating to the recovery of penalties except commitment to gaol shall extend to the recovery of any costs adjudged to be paid.

PART IX.—MISCELLANEOUS.

Public officer
of company

68. Every company which is a broker or manufacturer or an exporter of wool shall at all times be represented for the purposes of this Act by a public officer, being a person residing in Australia, and duly appointed by the company or by its duly authorized agent or attorney, and with respect to every such company and public officer the following provisions shall apply :—

- (a) The company shall appoint a public officer within three months after the commencement of this Act or after the company commences to carry on business as a broker or manufacturer or as an exporter of wool.
- (b) The company shall keep the office of the public officer constantly filled.

- (c) No appointment of a public officer shall be deemed to be duly made until after notice thereof in writing, specifying the name of the officer and an address for service upon him, has been given to the Commissioner.
- (d) If the company fails duly to appoint a public officer when and as often as such appointment becomes necessary, it shall be guilty of an offence.

Penalty : Two pounds for every day during which the failure continues.

- (e) Service of any document at the address for service, or on the public officer of the company, shall be sufficient service upon the company for all the purposes of this Act, or the regulations, and if at any time there is no public officer then service upon any person acting or appearing to act in the business of the company shall be sufficient.
- (f) The public officer shall be answerable for the doing of all such things as are required to be done by the company under this Act or the regulations, and in case of default shall be liable to the same penalties.
- (g) Everything done by the public officer which he is required to do in his representative capacity shall be deemed to have been done by the company. The absence or non-appointment of a public officer shall not excuse the company from the necessity of complying with any of the provisions of this Act or the regulations, or from any penalty for failure to comply therewith, but the company shall be liable to comply with the provisions of this Act as if there were no requirement to appoint a public officer.
- (h) Any notice given to or requisition made upon the public officer shall be deemed to be given to or made upon the company.
- (i) Any proceedings under this Act taken against the public officer shall be deemed to have been taken against the company, and the company shall be liable jointly with the public officer for any penalty imposed upon him.
- (j) Notwithstanding anything contained in this section, and without in any way limiting, altering or transferring the liability of the public officer of a company, every notice, process or proceeding which under this Act or the regulations may be given to, served upon or taken against the company or its public officer may, if the Commissioner thinks fit, be given to, served upon or taken against any director, secretary or other officer of the company, or any attorney or agent of the company, and that director, secretary, officer, attorney or agent shall have the same liability in respect of that notice,

process or proceeding as the company or public officer would have had if it had been given to, served upon, or taken against the company or public officer.

Agents or
trustees

69. With respect to every agent, and with respect also to every trustee, the following provisions shall apply :—

- (a) He shall be answerable as the person liable to the charge for the doing of all such things as are required to be done by virtue of this Act in respect of any wool owned, or any transaction, act or operation in relation to any wool entered into or performed, in his representative capacity or by virtue of his agency.
- (b) He shall, in respect of any such wool or any such transaction, act or operation, make the returns and be liable to the charge, but in his representative capacity only, and each return shall, except as otherwise provided by this Act, be separate and distinct from any other.
- (c) If he is an executor or administrator, the returns shall be the same as far as practicable as the deceased person, if living, would have been liable to make.
- (d) Where as agent or trustee he pays the charge, he is hereby authorized to recover the amount so paid from the person in whose behalf he paid it, or to deduct it from any money in his hands belonging to that person.
- (e) He is hereby authorized and required to retain from time to time out of any money which comes to him in his representative capacity so much as is sufficient to pay the charge which is or will become due in respect of any such wool, or any such act, transaction or operation.
- (f) He is hereby made personally liable for the charge payable in respect of such wool, or any such act, transaction or operation if, after the Commissioner has required him to make a return, or while the charge remains unpaid, he disposes of or parts with any fund or money which comes to him from or out of which the charge could legally be paid, but he shall not be otherwise personally liable for the charge :

Provided that the Commissioner may, upon application by the agent, permit disposal of such fund or money or part thereof as he considers necessary.

- (g) He is hereby indemnified for all payments which he makes in pursuance of this Act or by the requirements of the Commissioner.
- (h) For the purpose of insuring the payment of the charge the Commissioner shall have the same remedies against attachable property of any kind vested in or under the control or management or in the possession of any agent or trustee, as he would have against the property of any other person liable to the charge in respect of the charge, and in as full and ample a manner.

70. With respect to every person who has the receipt, control or disposal of money belonging to a person resident out of Australia, and engaging in any transaction, act or operation in respect of wool the sale value of which is subject to the charge under this Act, the following provisions shall, subject to this Act, apply :—

Person in receipt or control of money for absentee.

- (a) He shall, when required by the Commissioner, pay the charge due and payable by the person on whose behalf he has the control, receipt or disposal of money.
- (b) Where he pays the charge in accordance with the preceding paragraph he is hereby authorized to recover the amount so paid from the person on whose behalf he paid it or to deduct it from any money in his hands belonging to that person.
- (c) He is hereby authorized and required to retain from time to time out of any money which comes to him on behalf of the person resident out of Australia so much as is sufficient to pay the charge which is or will become due by that person.
- (d) He is hereby made personally liable for the charge payable by him on behalf of the person resident out of Australia after the charge becomes payable, or if, after the Commissioner has required him to pay the charge, he disposes of, or parts with, any fund or money then in his possession, or which comes to him from or out of which the charge could legally be paid, but he shall not be otherwise personally liable for the charge :

Provided that the Commissioner may upon application permit disposal of such fund or money or part thereof as he considers necessary.

- (e) He is hereby indemnified for all payments which he makes in pursuance of this Act or in accordance with the requirements of the Commissioner.

71.—(1.) Every person who is a broker or manufacturer, or an exporter of wool, shall, for the purposes of this Act, keep proper books or accounts recording full particulars of all acts, transactions and operations in connexion with wool, including the price received or paid for any wool, and shall preserve those books or accounts for a period of not less than five years after the completion of the transactions, acts or operations to which they relate.

Books, accounts, &c. to be preserved.

Penalty : One hundred pounds.

(2.) This section shall not apply so as to require the preservation of any books, accounts or documents—

- (a) in respect of which the Commissioner has notified a person that such preservation is not required ; and
- (b) of a company which has gone into liquidation and which has been finally dissolved.

Access to
books, &c

72. The Commissioner, or any officer, or officer of the Commission, authorized by the Commissioner or by a member of the Commission in that behalf, shall at all times have full and free access to all buildings, places, books, documents and other papers for any of the purposes of this Act and for any such purpose may make extracts from or copies of any such books, documents or papers.

Appearance by
Commissioner

73.—(1.) In any action, prosecution or other proceeding in any court by the Commissioner or a Deputy Commissioner, he may appear either personally or by a barrister or solicitor, or by an officer.

(2.) The appearance of any such officer, and his statement that he appears by authority of the Commissioner or a Deputy Commissioner, shall be sufficient evidence of such authority.

Regulations

74. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act, and, in particular, for prescribing penalties not less than One pound or more than Twenty pounds for any breach of the regulations.

WOOL (CONTRIBUTORY CHARGE).

No. 51 of 1945.

An Act to impose a Contributory Charge upon certain Wool produced in Australia.

[Assented to 11th October, 1945.]

[Date of commencement, 8th November, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Wool (Contributory Charge) Act* 1945.

Incorporation.

2. The *Wool (Contributory Charge) Assessment Act* 1945 shall be incorporated and read as one with this Act.

Imposition
of charge.

3. A contributory charge is imposed on all wool—

(a) produced in Australia; and

(b) on or after a date to be fixed by proclamation—

(i) sold by a broker at auction or otherwise;

(ii) purchased by a manufacturer;

(iii) subjected by a manufacturer (whether or not he is the producer or owner of the wool) to a process of manufacture; or

(iv) exported from Australia.

4. The rate of the charge shall be such percentage as is prescribed from time to time of the sale value of the wool, being a percentage which, in the opinion of the Governor-General, after taking into consideration any advice tendered to the Minister by the Australian Wool Realization Commission, is necessary in order to provide the following amounts :—

Rate of
charge.

- (a) The amounts required to meet the share of the industry in the operating expenses of the Joint Organization as provided in paragraph three of Part III. of the Disposals Plan, being the plan a copy of which is set forth in the Schedule to the *Wool Realization Act 1945* ;
- (b) The amounts required for payment of interest, at such rate as the Treasurer determines, upon the amount from time to time expended by the Commonwealth in purchases of wool in pursuance of the Disposals Plan and unrecovered . and
- (c) The amounts required for payment into the Wool Use Promotion Fund in pursuance of section sixteen of the *Wool Use Promotion Act 1945*, as affected by the *Wool (Contributory Charge) Assessment Act 1945*.

5. The Governor-General may make regulations, not inconsistent with this Act, for prescribing the percentage mentioned in section four of this Act.

Regulations.

WAR SERVICE LAND SETTLEMENT AGREEMENTS.

No. 52 of 1945.

An Act to authorize the Execution by or on behalf of the Commonwealth of Agreements between the Commonwealth and the States in relation to War Service Land Settlement.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *War Service Land Settlement Agreements Act 1945*.

Citation.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement.

Execution of
agreements
authorized.

3.—(1.) The execution, by or on behalf of the Commonwealth, of agreements between the Commonwealth and the State of New South Wales, the Commonwealth and the State of Victoria, and the Commonwealth and the State of Queensland, substantially in accordance with the form contained in the First Schedule to this Act, is hereby authorized.

(2.) The execution, by or on behalf of the Commonwealth, of agreements between the Commonwealth and the State of South Australia, the Commonwealth and the State of Western Australia, and the Commonwealth and the State of Tasmania, substantially in accordance with the form contained in the Second Schedule to this Act, is hereby authorized.

THE SCHEDULES.

FIRST SCHEDULE.

Sec. 3 (1.).

AGREEMENT made the _____ day of _____, One thousand nine hundred and forty-five, BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this agreement called "the Commonwealth") of the first part and THE STATE OF _____ (in this agreement called "the State") of the second part.

WHEREAS at a conference of Commonwealth and State Ministers at Canberra on the twenty-second day of August, One thousand nine hundred and forty-five, certain proposals were agreed to with a view to the settlement on land in the State of discharged members of the Forces and other eligible persons:

AND WHEREAS it is expedient that an agreement be made between the Commonwealth and the State in order to carry into effect the said proposals:

NOW IT IS HEREBY AGREED as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party unless and until it is approved by the Parliament of the State.

2.—(1.) In this agreement—

"applicant" means a person applying to participate under the scheme;

"Crown land" means Crown land as defined in the land laws of the State;

"eligible person" means—

(a) a discharged member of the Forces who has been honorably discharged after not less than six months' war service, or having, in the opinion of the appropriate State authority, been materially prejudiced by reason of his war service, has been honorably discharged after less than six months' war service; or

(b) a person included in a class of persons (if any) which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme;

"holding" means the land allotted to a settler under the scheme;

"member of the Forces" has the same meaning as in section 4 of the *Re-establishment and Employment Act 1945* of the Commonwealth;

"private land" means all land other than Crown land;

"settler" means a person who has been allotted a holding under the scheme;

"the scheme" means the scheme of land settlement contained in this agreement;

"the war" means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of this agreement;

"war service" has the same meaning as in paragraphs (a), (b), (c), (d), and (e) of the definition of "war service" in section 4 of the *Re-establishment and Employment Act 1945* of the Commonwealth.

(2.) For the purposes of this agreement, a member of the Forces who has ceased to be engaged on war service shall be deemed to have been discharged.

FIRST SCHEDULE—*continued*.

3. Land settlement under the scheme shall be carried out in accordance with the following principles :—

- (a) Settlement shall be undertaken only where economic prospects for the production concerned are reasonably sound, and the number of eligible persons to be settled shall be determined primarily by opportunities for settlement and not by the number of applicants.
- (b) Applicants shall not be selected as settlers unless a competent authority is satisfied as to their eligibility, suitability and qualifications for settlement under the scheme and their experience of farmwork.
- (c) Holdings shall be sufficient in size to enable settlers to operate efficiently and to earn a reasonable labour income.
- (d) An eligible person deemed suitable for settlement shall not be precluded from settlement by reason only of lack of capital, but a settler will be expected to invest in the holding such proportion of his own financial and other resources as is considered reasonable in the circumstances by the appropriate State authority.
- (e) Adequate guidance and technical advice shall be made available to settlers through agricultural extension services.

4.—(1.) The Commonwealth shall in the carrying out of the scheme provide financial and other assistance as is hereinafter set forth.

(2.) The State shall initiate proposals for settlement under the scheme but the Commonwealth may initiate proposals where these are directly associated with any matter in respect of which the Commonwealth has power to make laws.

5. The State shall provide capital moneys required for the purpose of acquiring, developing and improving land for settlement under and in accordance with the terms of this agreement.

6.—(1.) The State shall bear the cost of all State administration of the scheme.

(2.) The State shall make a capital contribution in respect of each holding of an amount equal to one-half of the excess of the total cost involved in acquiring, developing and improving the holding over the sum of valuations of the land and improvements.

(3.) The amount of capital contribution to be determined in accordance with the last preceding sub-clause shall, if required by a State, be separately and independently assessed in respect of land and improvements.

(4.) The valuations referred to in sub-clause (2.) of this clause shall be made by officers appointed by the Commonwealth and State in consultation for the purpose.

(5.) In making the valuations, the officers shall have regard to the need for the proceeds of the holding (based on conservative estimates over a long-term period of prices and yields for products) being sufficient to provide a reasonable living for the settler after meeting such financial commitments (excluding principal repayments under any agreement between the State and the settler for the purchase of land) as would be incurred by a settler possessing no capital.

(6.) Where settlement is on Crown land or acquired leasehold land, an amount to be agreed upon between the Commonwealth and the State shall be included in the total cost referred to in sub-clause (2.) of this clause to cover the State's interest in the land.

(7.) The State shall bear one-half of the cost involved in the remission of rent and interest during the assistance period referred to in clause 13 of this agreement.

(8.) The State shall bear one-half of any losses (to be assessed on a basis to be agreed upon by the Commonwealth and the State) incurred by the State in pursuance of arrangements made in accordance with clause 15 of this agreement.

(9.) The State shall, subject to clause 7 of this agreement, be responsible for all other costs arising directly from settlement under the scheme.

7.—(1.) The Commonwealth shall bear the cost of Commonwealth administration of the scheme.

(2.) The Commonwealth shall provide training and pay to applicants selected for training living allowances and certain transport and other expenses incidental to their training.

(3.) The Commonwealth shall provide living allowances for settlers during the assistance period referred to in clause 13 of this agreement and meet one-half of the costs involved in the remission of rent and interest provided for in that clause.

(4.) The Commonwealth shall make a capital contribution in respect of each holding of an amount equal to one-half of the excess referred to in sub-clause (2.) of clause 6 of this agreement.

(5.) The Commonwealth shall bear one-half of the losses referred to in sub-clause (8.) of clause 6 of this agreement.

FIRST SCHEDULE—*continued.*

8. Any excess of the total cost involved in acquiring, developing and improving the holding over the valuations made in accordance with the provisions of clause 6 of this agreement shall be written off and those valuations shall, unless otherwise agreed by the Commonwealth and the State, be accepted for the purpose of applying the terms and conditions relating to tenure of land made available for settlement under this agreement.

9. All financial matters relating and incidental to the carrying out of the scheme shall be arranged in a manner satisfactory to the Treasurer of the Commonwealth and the Treasurer of the State.

10. The following procedure shall be observed in connexion with the approval of proposals for settlement under the scheme brought forward by the State :—

- (a) After the State has selected such land as appears suitable for settlement it shall immediately take all practicable and necessary measures to prevent the land or any part thereof being dealt with otherwise than as is provided in this agreement.
- (b) The State shall submit to the Commonwealth certain information to be agreed upon by the Commonwealth and the State and shall confer with the Commonwealth to determine whether a detailed survey of the land is required, and, if both the Commonwealth and the State agree that a detailed survey is required, this will be undertaken by the State with the assistance where necessary of relevant Commonwealth authorities : Provided that if, before the fifth day of October, One thousand nine hundred and forty-four, the State had selected land for settlement and completed or substantially completed all surveys thereof considered necessary by the Commonwealth, the State may immediately submit the proposals in the manner provided in the next succeeding paragraph and no further survey of the land shall be required.
- (c) The State shall submit to the Commonwealth details of proposals for settlement including plans and such particulars relating to the proposed sub-division, development and use of the land as the State and the Commonwealth agree upon.
- (d) The Commonwealth and the State shall confer on each proposal and decide whether it should be accepted, either with or without alteration or modification, as an approved plan of settlement.

11.—(1.) The State shall—

- (a) set apart or resume, as the case may be, for settlement such land comprised in an approved plan of settlement as is Crown land ; and
 - (b) acquire compulsorily or by agreement and at a value not exceeding that ruling on the tenth day of February, One thousand nine hundred and forty-two, private land or lands held under lease from the Crown comprised in an approved plan of settlement.
- (2.) The State shall sub-divide develop and improve the land to a stage where it can be brought into production by a settler within a reasonable time having regard to the type of production proposed.

12. The following principles shall be adhered to in training, selecting and settling applicants under the scheme :—

- (a) A member of the forces while still engaged on war service may, if permitted to apply for land under any law of the State dealing with the settlement of servicemen on the land in force prior to the fifth day of October, One thousand nine hundred and forty-four, apply to participate under the scheme, but he shall not be eligible to participate in any concessions to which the Commonwealth is required to contribute any part of the cost until he has ceased to be engaged on war service and has been classified as suitable for settlement in accordance with the provisions of paragraph (c) of this clause.
- (b) An eligible person may apply to participate under the scheme not more than five years after—
 - (i) the fifteenth day of August, One thousand nine hundred and forty-five ; or
 - (ii) the date when he ceased to be engaged on war service, whichever is the later.
- (c) An applicant for settlement shall apply to the appropriate State authority which shall on behalf of the Commonwealth—
 - (i) determine whether an applicant is an eligible person ; and

FIRST SCHEDULE—*continued*.

- (ii) classify eligible persons as suitable (either immediately or after training or further experience) or as unsuitable for settlement.
- (d) Where training or further experience is considered desirable by the State authority it shall be provided mainly by employment with farmer-approved by the State authority.

13.—(1.) There may be granted to a settler during the period of one year next following the allotment of a holding to him (hereinafter referred to as "the assistance period") a living allowance at such rate and subject to such conditions as may be fixed by the Commonwealth.

(2.) During the assistance period the settler shall not be required to pay any rent or interest in respect of the holding or to make any payments on account of principal or interest in respect of advances (other than advances for working capital) made under clause 15 of this agreement.

(3.) In special circumstances and upon conditions approved by the Commonwealth, further assistance may in any particular case be extended beyond the said period of one year.

14.—(1.) The net proceeds of the holding during the assistance period shall be paid to an authority prescribed by the State and credited by that authority against future obligations of the settler in respect of advances for stock, plant and equipment, and improvements, and in respect of rent or interest on land in a proportion to be determined by the authority.

(2.) At least one-half of the proceeds shall be credited to future obligations in respect of stock, plant and equipment.

(3.) The authority may, in any particular case, waive the requirements of the last two preceding sub-clauses if, in its opinion, the circumstances of the case are such that it is desirable to do so.

(4.) Wherever practicable the whole of a settler's finances relating to his settlement under the scheme shall be controlled by one authority. The authority shall record separately any advances in respect of which the Commonwealth under this agreement accepts any liability in the event of loss.

15.—(1.) The State shall make such arrangements as may be approved by the Commonwealth for the making of advances to settlers, upon such conditions as may be agreed upon between the Commonwealth and the State, for the purpose of providing working capital and paying for and effecting improvements and acquiring stock, plant and equipment.

(2.) The arrangements referred to in sub-clause (1.) of this clause may include the giving of guarantees by the State.

16. In the event of the settler not being able to meet all his current obligations under the scheme such amounts as are received from the settler shall be applied to his obligations in respect of advances for working capital, stock, plant or equipment, improvements, rent or interest on any balance outstanding on the purchase price of the land, in the order in which the obligations are set out in this clause.

17. The form and conditions of tenure on which a holding is to be held by a settler shall be determined by the State.

SECOND SCHEDULE.

Sec. 3 (2.).

AGREEMENT made the _____ day of _____, One thousand nine hundred and forty-five, BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this agreement called "the Commonwealth") of the first part and THE STATE OF _____ (in this agreement called "the State") of the second part.

WHEREAS at a conference of Commonwealth and State Ministers at Canberra on the twenty-second day of August, One thousand nine hundred and forty-five, certain proposals were agreed to with a view to the settlement on land in the State of discharged members of the Forces and other eligible persons:

AND WHEREAS it is expedient that an agreement be made between the Commonwealth and the State in order to carry into effect the said proposals:

NOW IT IS HEREBY AGREED as follows:—

1. This agreement shall have no force or effect and shall not be binding on either party unless and until it is approved by the Parliament of the State.

2.—(1.) In this agreement—

"applicant" means a person applying to participate under the scheme;

SECOND SCHEDULE—continued.

"Crown land" means Crown land as defined in the land laws of the State;

"eligible person" means—

(a) a discharged member of the Forces who has been honourably discharged after not less than six months' war service, or having, in the opinion of the appropriate State authority, been materially prejudiced by reason of his war service, has been honourably discharged after less than six months' war service; or

(b) a person included in a class of persons (if any) which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme;

"holding" means the land allotted to a settler under the scheme;

"member of the Forces" has the same meaning as in section 4 of the *Re-establishment and Employment Act 1945* of the Commonwealth;

"private land" means all land other than Crown land;

"settler" means a person who has been allotted a holding under the scheme.

"the scheme" means the scheme of land settlement contained in this agreement;

"the war" means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of this agreement;

"war service" has the same meaning as in paragraphs (a), (b), (c), (d) and (e) of the definition of "war service" in section 4 of the *Re-establishment and Employment Act 1945* of the Commonwealth.

(2.) For the purposes of this agreement, a member of the Forces who has ceased to be engaged on war service shall be deemed to have been discharged.

3. Land settlement under the scheme shall be carried out in accordance with the following principles:—

(a) Settlement shall be undertaken only where economic prospects for the production concerned are reasonably sound, and the number of eligible persons to be settled shall be determined primarily by opportunities for settlement and not by the number of applicants.

(b) Applicants shall not be selected as settlers unless a competent authority is satisfied as to their eligibility, suitability and qualifications for settlement under the scheme and their experience of farm work.

(c) Holdings shall be sufficient in size to enable settlers to operate efficiently and to earn a reasonable labour income.

(d) An eligible person deemed suitable for settlement shall not be precluded from settlement by reason only of lack of capital, but a settler will be expected to invest in the holding such proportion of his own financial or other resources as is considered reasonable in the circumstances by the appropriate State authority.

(e) Adequate guidance and technical advice shall be made available to settlers through agricultural extension services.

4.—(1.) The State shall administer the scheme on behalf of the Commonwealth.

(2.) The Commonwealth shall, in the manner hereinafter provided, make the major financial contribution and be responsible (after fullest consultation with the State) for policy decisions in relation to the scheme and exercise general supervision over its administration.

(3.) The State shall initiate proposals for settlement under the scheme, but the Commonwealth may initiate proposals where these are directly associated with any matter in respect of which the Commonwealth has power to make laws.

5. The Commonwealth shall provide capital moneys required for the purpose of acquiring, developing and improving land for settlement under and in accordance with the terms of this agreement.

6.—(1.) The Commonwealth shall bear the cost of Commonwealth administration of the scheme.

(2.) The Commonwealth shall provide training and pay to applicants selected for training, living allowances and certain transport and other expenses incidental to their training.

(3.) The Commonwealth shall provide living allowances for settlers, during the assistance period referred to in clause 13 of this agreement and meet the cost involved in the remission of rent and interest provided for in that clause.

SECOND SCHEDULE—*continued.*

(4.) The Commonwealth shall make a capital contribution in respect of each holding of an amount equal to three-fifths of the excess of the total cost involved in acquiring, developing and improving the holding over the sum of valuations of the land and improvements.

(5.) The amount of capital contribution to be determined in accordance with the last preceding sub-clause shall, if required by a State, be separately and independently assessed in respect of land and improvements.

(6.) The valuations referred to in sub-clause (4.) of this clause shall be made by officers appointed by the Commonwealth and State in consultation for the purpose.

(7.) In making the valuations, the officers shall have regard to the need for the proceeds of the holding (based on conservative estimates over a long-term period of prices and yields for products) being sufficient to provide a reasonable living for the settler after meeting such financial commitments as would be incurred by a settler possessing no capital.

(8.) Where settlement is on Crown land, an amount to be agreed upon between the Commonwealth and the State shall be included in the total cost referred to in sub-clause (4.) of this clause to cover the State's interest in the land.

(9.) The Commonwealth shall bear any losses arising out of arrangements made in accordance with clause 15 of this agreement.

(10.) Subject to clause 7 of this agreement, the Commonwealth shall be responsible for all other costs arising directly from settlement under the scheme.

7.—(1.) The State shall, subject to sub-clause (3.) of clause 16 of this agreement, bear the cost of State administration of the scheme.

(2.) The State shall make a capital contribution in respect of each holding of an amount equal to two-fifths of the excess referred to in sub-clause (4.) of clause 6 of this agreement.

8. Any excess of the total costs involved in acquiring, developing and improving the holding over the valuations made in accordance with the provisions of clause 6 of this agreement shall be written off and such valuations shall, unless otherwise agreed by the Commonwealth and the State, be accepted for the purpose of applying the terms and conditions relating to tenure of land made available for settlement under this agreement.

9. All financial matters relating and incidental to the carrying out of the scheme shall be arranged in a manner satisfactory to the Treasurer of the Commonwealth and the Treasurer of the State.

10. The following procedure shall be observed in connexion with the approval of proposals for settlement under the scheme brought forward by the State:—

(a) After the State has selected such land as appears suitable for settlement, it shall immediately take all practicable and necessary measures to prevent the land or any part thereof being dealt with otherwise than as is provided in this agreement.

(b) The State shall submit to the Commonwealth certain information to be agreed upon by the Commonwealth and the State and shall confer with the Commonwealth to determine whether a detailed survey of the land is required, and, if both the Commonwealth and the State agree that a detailed survey is required, this will be undertaken by the State with the assistance where necessary of relevant Commonwealth authorities:

Provided that if, before the fifth day of October, One thousand nine hundred and forty-four, the State had selected land for settlement and completed or substantially completed all surveys thereof considered necessary by the Commonwealth, the State may immediately submit the proposals in the manner provided in the next succeeding paragraph, and no further survey of the land shall be required.

(c) The State shall submit to the Commonwealth details of proposals for settlement including plans and such particulars relating to the proposed subdivision, development and use of the land as the State and the Commonwealth agree upon.

(d) The Commonwealth and the State shall confer on each proposal and decide whether it should be accepted, either with or without alteration or modification, as an approved plan of settlement.

11.—(1.) The State shall set apart Crown land or with funds provided by the Commonwealth resume for settlement Crown land and acquire compulsorily or by agreement private land comprised in an approved plan of settlement at a value to be approved by the Commonwealth, and will hold the same for use for the purposes of the scheme.

SECOND SCHEDULE—*continued*.

(2.) Where Crown land is set apart or resumed for the purpose of settlement, the State shall be credited with such amount as the Commonwealth and the State agree represents the interest of the State in the land.

(3.) Where Crown leasehold is resumed or acquired either compulsorily or by private agreement the State shall be credited with such amount as the Commonwealth and the State agree represents the interest of the State in the land.

(4.) The State shall sub-divide, develop and improve the land to a stage where it can be brought into production by a settler within a reasonable time having regard to the type of production proposed.

12. The following principles shall be adhered to in training, selecting and settling applicants under the scheme :—

(a) An eligible person may apply to participate under the scheme not more than five years after—

(i) the fifteenth day of August, One thousand nine hundred and forty-five; or

(ii) the date when he ceased to be engaged on war service, whichever is the later.

(b) An applicant for settlement shall apply to the appropriate State authority, which shall, on behalf of the Commonwealth—

(i) determine whether an applicant is an eligible person; and

(ii) classify eligible persons as suitable (either immediately or after training or further experience) or as unsuitable for settlement.

(c) Where training or further experience is considered desirable by the State authority, it shall be provided mainly by employment with farmers approved by the State authority.

13.—(1.) There may be granted to a settler during the period of one year next following the allotment of a holding to him (hereinafter referred to as “the assistance period”) a living allowance at such rate and subject to such conditions as may be fixed by the Commonwealth.

(2.) During the assistance period the settler shall not be required to pay any rent or interest in respect of the holding or to make any payments on account of principal or interest in respect of advances (other than advances for working capital) made under clause 15 of this agreement.

(3.) In special circumstances and upon conditions approved by the Commonwealth, further assistance may in any particular case be extended beyond the said period of one year.

14.—(1.) The net proceeds of the holding during the assistance period shall be paid to an authority prescribed by the Commonwealth (after consultation with the State) and credited by that authority against future obligations of the settler in respect of advances for stock, plant and equipment, and improvements, and in respect of rent in a proportion to be determined by the authority.

(2.) The authority may, in any particular case, waive the requirements of the last preceding sub-clause if, in its opinion, the circumstances of the case are such that it is desirable to do so.

(3.) Wherever practicable the whole of a settler's finances relating to his settlement under the scheme, including the collection of rent in respect of the holding, shall be controlled by one authority.

15.—(1.) The Commonwealth in consultation with the State will arrange with an authority in that State to make advances to settlers, upon such conditions as may be agreed upon between the Commonwealth and the State, for the purpose of providing working capital and paying for and effecting improvements and acquiring stock, plant and equipment.

(2.) The arrangements referred to in the last preceding sub-clause may include the giving of guarantees to the authority by the Commonwealth.

16.—(1.) Holdings will be allotted by the State on perpetual leasehold tenure. The general terms and conditions of the lease shall be approved by the Commonwealth.

(2.) The rent payable under the lease shall be recommended to the Commonwealth by the officers appointed to make the valuations referred to in sub-clause (4.) of clause 6 of this agreement.

(3.) The rent payable under the lease may include an amount calculated at a rate to be agreed upon between the Commonwealth and the State in respect of the cost of State administration of the scheme arising after the allotment of the holding to the settler. This amount shall be retained by the State and the balance of the rent shall be credited by the State to the Commonwealth.

(4.) The lease may provide for concession rentals in accordance with the state of development of the holding.

SECOND SCHEDULE—*continued*.

(5.) Structural improvements on the holding may be leased or acquired by the settler in accordance with the practice of the State.

(6.) In the event of the lease being surrendered or terminated in pursuance of the conditions of the lease, the Commonwealth shall pay to the settler compensation for any improvements effected by him which are essential for the working of the property after allowing for any amounts owing to the Crown or the credit authority.

(7.) The lease will not be transferable by the settler except with the consent of the Commonwealth and the State and on such conditions as the Commonwealth and the State agree upon.

17. Wherever it appears that land held by the State for the purpose of this agreement is no longer required for this purpose, it may be disposed of or dealt with in such manner as the Commonwealth and the State may agree upon.

18. In the State there may be established an authority to investigate and determine such matters arising between a settler and the State as the Commonwealth and the State agree may be referred to it for determination. The form and constitution of this authority shall be agreed upon by the Commonwealth and the State.

STATES GRANTS.

No. 53 of 1945.

An Act to grant and apply out of the Consolidated Revenue Fund sums for the purposes of Financial Assistance to the States of South Australia, Western Australia and Tasmania.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Preamble

1. This Act may be cited as the *States Grants Act* 1945.

Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Commencement

3. There shall be payable to the States of South Australia, Western Australia and Tasmania, during the year which commenced on the first day of July, One thousand nine hundred and forty-five, for the purposes of financial assistance, the sum of Two million nine hundred and ninety-six thousand pounds.

Payment of financial assistance to States.

Allocation of
grant.

4. The amount payable to each State under this Act shall be the amount shown in the following table opposite the name of that State :—

	£
South Australia	1,400,000
Western Australia	950,000
Tasmania	646,000
	<hr/>
	2,996,000
	<hr/>

Method of
payment.

5. The amount payable to any State under this Act shall be paid to that State in equal monthly instalments.

Appropriation

6. Payments in accordance with this Act shall be made out of the Consolidated Revenue Fund, which is hereby appropriated accordingly.

HIGH COMMISSIONER.

No. 54 of 1945.

An Act to amend the *High Commissioner Act 1909-1940*.

[Assented to 11th October, 1945.]

[Date of commencement, 8th November, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title.

1.—(1.) This Act may be cited as the *High Commissioner Act 1945*.

(2.) The *High Commissioner Act 1909-1940**, as amended by this Act, may be cited as the *High Commissioner Act 1909-1945*.

* Act No. 22, 1909, as amended by No. 26, 1937 and No. 52, 1940.

2. After section nine of the *High Commissioner Act* 1909-1940 the following section is inserted :—

“ 9A. The Governor-General may issue to any Minister or to any member of the Executive Council a Commission authorizing that Minister or that member, during the pleasure of the Governor-General, to exercise the powers and to perform the duties which in pursuance of this Act are or may be conferred upon or assigned to the High Commissioner, and thereupon those powers may be exercised and those duties shall be performed by that Minister or that member, as the case may be, in accordance with the terms of the Commission.”

Minister may be authorized to exercise powers of High Commissioner.

EDUCATION.

No. 55 of 1945.

An Act to establish a Commonwealth Office of Education and a Universities Commission, to provide for the University Training of Discharged Members of the Forces, to provide for Financial Assistance to University Students, and for other purposes.

[Assented to 11th October, 1945.]

[Date of commencement, 8th November, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Education Act* 1945.

Short title.

2. The Act is divided into Parts, as follows :—

Parts.

Part I.—Preliminary.

Part II.—The Commonwealth Office of Education.

Part III.—The Universities Commission.

Part IV.—Miscellaneous.

Definitions.

3. In this Act, unless the contrary intention appears—

- “approved institution” means a research institution, teaching institution, or institution providing training, which the Minister, by notice published in the *Gazette*, declares to be an approved institution for the purposes of this Act;
- “Australia” includes the Territories of the Commonwealth;
- “Commissioner” means a member of the Commission;
- “similar institution” means a research institution, teaching institution, or institution providing training, which, in the opinion of the Commission, is similar or related to a University or provides higher or professional teaching or training;
- “student” means a student enrolled, or applying for enrolment, at a University, an approved institution or a similar institution;
- “the Chairman” means the Chairman of the Commission;
- “the Commission” means the Universities Commission constituted by this Act;
- “the Director” means the Director of the Commonwealth Office of Education;
- “University” means a University within Australia, and includes any University College which the Minister, by notice published in the *Gazette*, declares to be a University College for the purposes of this Act.

Extension to Territories.

4. This Act shall extend to the Territories of the Commonwealth.

PART II.—THE COMMONWEALTH OFFICE OF EDUCATION.

Commonwealth Office of Education.

5.—(1.) There shall be a Commonwealth Office of Education.

(2.) The functions of the Commonwealth Office of Education shall be—

- (a) to advise the Minister on matters relating to education;
- (b) to establish and maintain a liaison, on matters relating to education, with other countries and the States;
- (c) to arrange consultation between Commonwealth authorities concerned with matters relating to education;
- (d) to undertake research relating to education;
- (e) to provide statistics and information relating to education required by any Commonwealth authority; and
- (f) to advise the Minister concerning the grant of financial assistance to the States and to other authorities for educational purposes,

and shall include such other functions in relation to education as are assigned to it by the Minister.

Director of Commonwealth Office of Education

6.—(1.) There shall be a Director of the Commonwealth Office of Education, who shall, under the Minister, have the chief control of the Commonwealth Office of Education.

(2.) The Director shall be appointed by the Governor-General and shall, subject to this Act, hold office during good behaviour for a period not exceeding five years, but shall be eligible for re-appointment.

(3.) The Director shall be paid salary and allowances at such rates as the Governor-General determines.

(4.) The Director shall be deemed to have vacated his office—

- (a) if he engages in any paid employment outside the duties of his office ;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (c) if he becomes of unsound mind ;
- (d) if he becomes permanently incapable of performing his duties ;
- (e) if he resigns his office by writing under his hand to the Governor-General and the resignation is accepted by the Governor-General ; or
- (f) if he absents himself (except on leave granted by the Governor-General) for a period of twenty-one consecutive days.

(5.) The Governor-General may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the Governor-General determines.

7. The Director shall, once in every year, furnish to the Minister a report containing a summary of the work of the Commonwealth Office of Education during the preceding year. Annual Report.

PART III.—THE UNIVERSITIES COMMISSION.

8.—(1.) For the purposes of this Act there shall be a Commission, to be known as the Universities Commission, which shall, subject to any direction of the Minister, be charged with the general administration of this Part. Establishment of Commission.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document and shall presume that it was duly affixed.

9.—(1.) The Commission shall consist of a Chairman and three other members. Constitution of Commission.

(2.) The Chairman shall be the person for the time being holding office as Director of the Commonwealth Office of Education.

(3.) A member of the Commission (other than the Chairman) shall be appointed by the Governor-General for a period not exceeding three years, but shall be eligible for re-appointment.

(4.) A member of the Commission shall be paid salary and allowances at such rates as the Governor-General determines.

Dismissal of
Commissioner.

10. The Governor-General may terminate the appointment of a Commissioner (other than the Chairman) for inability, inefficiency or misbehaviour.

Vacation of
office.

11. A Commissioner (other than the Chairman) shall be deemed to have vacated his office—

- (a) if his appointment is terminated by the Governor-General in pursuance of this Act ;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (c) if he becomes of unsound mind ;
- (d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General ; or
- (e) if he absents himself (except on leave granted by the Governor-General) from all meetings of the Commission held during three consecutive months.

Leave of
absence.

12. The Governor-General may grant leave of absence to a Commissioner upon such terms and conditions as to remuneration or otherwise as the Governor-General determines.

Meetings of
Commission.

13.—(1.) The Commission shall hold such meetings as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs.

(2.) The Chairman shall preside at all meetings at which he is present.

(3.) In the absence of the Chairman from any meeting of the Commission, the Commissioners present shall appoint one of their number to preside at that meeting.

(4.) At any meeting of the Commission, two Commissioners shall form a quorum.

(5.) The Commissioner presiding at any meeting of the Commission shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

Functions of
Commission.

14. The functions of the Commission shall, subject to the regulations and any directions of the Minister, be—

- (a) to arrange, as prescribed, for the training in Universities or similar institutions, for the purpose of facilitating their re-establishment of persons who are discharged members of the Forces within the meaning of the *Re-establishment and Employment Act 1945* ;
- (b) in prescribed cases or classes of cases, to assist other persons to obtain training in Universities or similar institutions ;
- (c) to provide, as prescribed, financial assistance to students at Universities and approved institutions ; and

(d) to advise the Minister with respect to such matters relating to University training and associated matters as are referred by the Minister to the Commission for advice.

15.—(1.) The Governor-General may appoint a State Committee in each State consisting of such number of members as is prescribed. Appointment of State Committees.

(2.) The terms of the appointment of members and the method of appointment of the Chairman of each State Committee shall be as prescribed.

16. The functions of each State Committee shall be to advise the Commission on matters relating to that State with respect to— Functions of State Committees

(a) the general functions of the Commission; and

(b) any particular matter relating to the Commission's functions.

17. All amounts of financial assistance provided under this Part shall be paid out of sums appropriated by the Parliament for the purpose. Provision of financial assistance out of sums appropriated.

18. The Commission shall, once in every year, furnish to the Minister a report containing a summary of the work of the Commission during the preceding year. Annual Report.

PART IV.—MISCELLANEOUS.

19. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding three months, for any contravention of the regulations. Regulations.

WIDOWS' PENSIONS.

No. 56 of 1945.

An Act to amend the *Widows' Pensions Act* 1942-1944, as amended by the *National Welfare Fund Act* 1945.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Widows' Pensions Act* 1945. Short title and citation.

(2.) Section nine of the *National Welfare Fund Act 1945** is amended by omitting sub-section (3.).

(3.) The *Widows' Pensions Act 1942-1944*†, as amended by the *National Welfare Fund Act 1945*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Widows' Pensions Act 1942-1945*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Rate of pension.

3. Section fifteen of the Principal Act is amended by omitting from paragraph (a) of sub-section (1.) the words "Eighty-three pounds four shillings" and inserting in their stead the words "Ninety-seven pounds ten shillings".

Allowances to certain widows

4. Section twenty-six of the Principal Act is amended by omitting from sub-section (1.) the words "Twenty-seven shillings" and inserting in their stead the words "One pound twelve shillings and six pence".

Application of amendments.

5. The amendments effected by this Act shall apply in relation to the instalment of pension falling due on the sixteenth day of October, One thousand nine hundred and forty-five, and to all subsequent instalments.

SEAT OF GOVERNMENT SUPREME COURT.

No. 57 of 1945.

An Act to amend the *Seat of Government Supreme Court Act 1933-1935*.

[Assented to 19th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *Seat of Government Supreme Court Act 1945*.

* Act No. 41, 1945.

† Act No. 19, 1942, as amended by No. 15, 1943; and No. 15, 1944

(2.) The *Seat of Government Supreme Court Act 1933-1935** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Seat of Government Supreme Court Act 1933-1945*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section five of the Principal Act is amended by inserting in the definition of "the Judge", after the word "and", the words "except in sections eight A and eight B of this Act," Definitions.

4. Section eight of the Principal Act is amended—

(a) by omitting sub-section (1.) and inserting in its stead the following sub-section :—

"(1.) The Governor-General may appoint by commission a person who is or has been a practising barrister or solicitor of the High Court or of the Supreme Court of a State of not less than five years' standing to be the Judge of the Supreme Court." ; and

(b) by omitting sub-section (3.).

Appointment
of Judge.

5. After section eight of the Principal Act the following sections are inserted :—

"8A. The Judge shall be capable of accepting and holding the office of Judge Advocate-General of any part of the Defence Force and of holding any other office (other than a place of profit) if his appointment to that other office is made or approved by the Governor-General.

Judge may
hold other
offices.

"8B.—(1.) The Judge shall receive a salary at the rate of Two thousand five hundred pounds a year.

Salaries and
travelling
expenses.

"(2.) The Judge shall be paid on account of his expenses in travelling to discharge the duties of his office such sums as are considered reasonable by the Governor-General.

"(3.) Where the Judge has served in that office for not less than fifteen years, he shall, on retiring, be entitled to an annual pension at the rate of one-half of his salary.

"(4.) If the Judge retires on permanent disability or infirmity, he shall, if he has served in that office for not less than five years, be entitled, on retiring, to an annual pension at the rate of twenty one-hundredths of his salary and at the additional rate of three one-hundredths of his salary for each complete year of his service in excess of five years, but so that the rate of his pension shall not exceed one-half of his salary.

“(5.) Where the Judge was, immediately prior to his appointment, serving in any judicial office under a State, so much of the term of that service as does not exceed five years shall, for the purposes of sub-sections (3.) and (4.) of this section, be added to the term of his service as the Judge of the Supreme Court.

“(6.) Pensions under this section shall grow due from day to day, but shall be payable monthly.

“(7.) Salaries and pensions under this section shall be charged on and paid out of the Consolidated Revenue Fund, which is to the necessary extent hereby appropriated accordingly.”.

SUPPLEMENTARY APPROPRIATION 1943-44.

No. 58 of 1945.

An Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-four.

[Assented to 19th October, 1945.]

[Date of commencement, 16th November, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows :—

Short title

1. This Act may be cited as the *Supplementary Appropriation Act 1943-44*.

Appropriation
£2,015,224.

2. The sum of Two million fifteen thousand two hundred and twenty-four pounds which has been issued from the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-four, shall be deemed to have been appropriated as from the date of the commencement of the *Appropriation Act 1943-44* for the purposes and services expressed in the Schedule to this Act.

THE SCHEDULE.

ABSTRACT.

	Total.
PART I.—DEPARTMENTS AND SERVICES—OTHER THAN BUSINESS UNDERTAKINGS AND TERRITORIES OF THE COMMONWEALTH.	
PARLIAMENT	£ 16,545
PRIME MINISTER'S DEPARTMENT	17,100
DEPARTMENT OF EXTERNAL AFFAIRS	32,199
DEPARTMENT OF THE TREASURY	85,053
ATTORNEY-GENERAL'S DEPARTMENT	19,022
DEPARTMENT OF THE INTERIOR	6,531
DEFENCE AND WAR (1939-43) SERVICES—	£
DEPARTMENT OF DEFENCE	8,450
DEPARTMENT OF THE NAVY	27,079,772 (a)
DEPARTMENT OF THE ARMY	
DEPARTMENT OF AIR	
DEPARTMENT OF MUNITIONS	
DEPARTMENT OF AIRCRAFT PRODUCTION	
RECIPROCAL LEND-LEASE TO UNITED STATES FORCES	1,070,521
DEPARTMENT OF SUPPLY AND SHIPPING	2,625
DEPARTMENT OF HOME SECURITY	6,016,446
OTHER WAR SERVICES	9,361,136
OTHER ADMINISTRATIONS—RECOVERABLE EXPENDITURE	43,538,950
Less amount provided in Appropriation Act (No. 2) 1943-44	10,000,000
	33,538,950
Less amounts provided under other war votes which remained unexpended at close of year ..	33,538,950
	..
DEPARTMENT OF CIVIL AVIATION	29,465
DEPARTMENT OF TRADE AND CUSTOMS	9,621
DEPARTMENT OF HEALTH	4,975
DEPARTMENT OF COMMERCE AND AGRICULTURE	31,876
DEPARTMENT OF SOCIAL SERVICES	8,123
DEPARTMENT OF SUPPLY AND SHIPPING	19,188
MISCELLANEOUS SERVICES	309,268
WAR (1914-18) SERVICES	31,908
TOTAL PART I.	620,874
PART II.—BUSINESS UNDERTAKINGS.	
COMMONWEALTH RAILWAYS	43,331
POSTMASTER-GENERAL'S DEPARTMENT	1,285,903
TOTAL PART II.	1,329,234

(a) For security reasons it is not desirable to disclose details of this expenditure.

ABSTRACT—continued.

					Total
					£
PART III.—TERRITORIES OF THE COMMONWEALTH.					
NORTHERN TERRITORY .. .. .	..	..	..	..	41,607
AUSTRALIAN CAPITAL TERRITORY .. .. .	..	..	..	..	23,509
TOTAL PART III. .. .	..	..	..	..	65,116
TOTAL .. .. .	..	..	..	..	2,015,224

SUPPLEMENTARY APPROPRIATION (WORKS AND BUILDINGS) 1943-44.

No. 59 of 1945.

An Act to appropriate a further sum out of the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-four, for the purposes of Additions, New Works, Buildings, &c.

[Assented to 19th October, 1945.]

[Date of commencement, 16th November, 1945.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title.

1. This Act may be cited as the *Supplementary Appropriation (Works and Buildings) Act 1943-44*.

Appropriation
of £319,754.

2. The sum of Three hundred and nineteen thousand seven hundred and fifty-four pounds which has been issued from the Consolidated Revenue Fund for the service of the year ended the thirtieth day of June, One thousand nine hundred and forty-four, shall be deemed to have been appropriated as from the date of the commencement of the *Appropriation (Works and Buildings) Act 1943-44* for the purposes and services expressed in the Schedule to this Act.

THE SCHEDULE.

ABSTRACT.

		£
PART I.—DEPARTMENTS AND SERVICES—OTHER THAN BUSINESS UNDERTAKINGS AND TERRITORIES OF THE COMMONWEALTH		311,741
II.—BUSINESS UNDERTAKINGS		8,006
III.—TERRITORIES OF THE COMMONWEALTH		7
TOTAL ADDITIONS, NEW WORKS, BUILDINGS, ETC.		319,754

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YEAR 1945.

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